U.S. ELECTION ASSISTANCE COMMISSION
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July 12, 2019

Representative Zoe Lofgren
Chairperson
United States House of Representatives
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairperson Lofgren,

Thank you for the opportunity to appear before members of the Committee on House Administration for the U.S. Election Assistance Commission (EAC)'s oversight hearing on May 21, 2019. We appreciated the opportunity to address how the Commission is fulfilling its mission to support election administrators and the voters they serve, and we respectfully submit for the record the following responses to the Committee's follow-up questions.

The following document and its attachments address each of the questions posed by members of the Committee. The answers reflect the Commissioners' collective responses.

Sincerely,

Christy A. McCormick
Chairwoman
U.S. Election Assistance Commission

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

Thomas Hicks
Commissioner
U.S. Election Assistance Commission

Donald Palmer
Commissioner
U.S. Election Assistance Commission

Questions for the Record

Committee on House Administration Hearing

"Oversight of the Election Assistance Commission"

May 21, 2019

The Hon. Christy McCormick
Commissioner and Chairwoman, U.S. Election Assistance Commission

The Hon. Benjamin Hovland
Commissioner and Vice Chair, U.S. Election Assistance Commission

The Hon. Donald Palmer
Commissioner, U.S. Election Assistance Commission

The Hon. Thomas Hicks
Commissioner, U.S. Election Assistance Commission

States and Election Administration

Question 1: EAC staff have done an excellent job with the timely distribution of $380 million in newly-appropriated HAVA funds. Please describe any ongoing efforts from the agency to guide states as they consider how to spend their remaining funds.

Following the allocation of $380 million in newly-appropriated HAVA Funds, the U.S. Election Assistance Commission (EAC) worked to efficiently and responsibly award these grants that were authorized under Title 1 Section 101 of HAVA. The funds were made available approximately seven months prior to the 2018 Midterm Elections, and eligible states and territories (hereafter referred to as the "States") could technically begin spending funds once they received their notice of grant award on April 17, 2018. States began collecting their grant money as soon as seven days later, less than 30 days after the 2018 Consolidated Appropriations Act was signed into law.

As documented in the first column of **Attachment A**, approximately 60 percent of States reached out to the EAC for assistance with at least one issue related to the 2018 HAVA Funds, including allowable costs, policy questions, pre-approval requests, and state appropriation process issues. While this column shows the States engaged the EAC about specific issues, the chart also lays bare the fact that the EAC didn't wait for States to reach out for guidance.

The EAC was proactive in its approach to offering States assistance in receiving and appropriately spending 2018 HAVA Funds. All States received pre-award notices, budget and narrative guidance, access to EAC webinars, phone and email consultations, and the EAC performed multiple reviews of each State's budget and plan. Through these interactions, States were given the opportunity to pose questions in real-time and ensure their plans contained only expenses allowable under Title 1 Section 101. The EAC's Grants team also answered inquiries, proactively provided guidance to anticipated questions, and reviewed proposals. Since these were the first new appropriations for HAVA grants since FY2010, many of the state-level contacts working on how to spend these funds had never received HAVA grants before, creating a knowledge gap that the EAC's team ably worked to close.

The EAC's response to incoming inquiries complemented its proactive approach to sharing knowledge about the HAVA Funds and HAVA's direction about how States can use these vital resources. One-on-one phone consultations and email exchanges with state administrators not only allowed the EAC to provide guidance on specific issues, but also informed the EAC about most frequently asked questions and what resources would be best to share with all stakeholders to ensure successful administration of the grants. In a very few instances, the EAC provided formal letters when state election officials requested assistance in describing how federal funds are appropriated and the allowable use of the funds to state assembly members or local election officials.

Perhaps one of the most impactful resources the EAC provided was its work to ensure States had full access to other State plans, documents that could inform spending choices, especially in cases when States were considering like-minded types of approaches. These plans were published on the EAC's website, where they remain today, so that each State could learn what other States were doing and share expertise and technical support. The EAC took this effort a step further by connecting States that were exploring similar approaches so that these States could share information.

Lastly, the Grants team spent a considerable amount of time brokering EAC knowledge and best practices across the States. For example, the EAC worked with California to ensure mutual aid compacts are created so that mobile voting vehicles can be deployed across the state in times of localized disasters, such as the 2018 California wildfires.

The EAC's work moving forward will be informed by details contained within each state's submitted security plan and budget. The plans received significant input and support from stakeholders at the local, state and national levels, making them a strong barometer of the kind of assistance States will need in the coming years. For example, by requiring each state and territory to submit a plan for election security and providing a flexible set of seven budget categories and six budget line items, the EAC created a 5-year national roadmap for how States plan to secure and modernize election infrastructure.

The Grants team's review of feedback from States about the grant-making process and receipt of the funds has both highlighted how the funds will be deployed given each State's unique situation (age of equipment, security already in place, status of statewide data systems, etc.) and showed where additional resources will be needed in the future. While EAC only has 3-4 months of official expenditure data, which is reasonable

considering the funds became available just months before the 2018 Midterm Election, we do have robust plan narratives that have been condensed and included in the 2018 Annual Expenditure Report (see **Attachment B**). Through our more recent conversations with the 55 states and territories that received these funds, we also believe that as of April 30, 2019, states have spent at least $108.14 million, or 29 percent, of the $380 million in grant funds. This represents a 262 percent increase in spending from the last reported spending levels on September 30, 2018. In addition, a straight-line spending projection based on expenditures through the end of last month suggests that states and territories will spend approximately $324 million, or 85 percent, of the funds prior to the 2020 Presidential Election.

While distribution of the new HAVA Funds has concluded, there are ongoing efforts from the Grants team related to reviewing and revising funding notices in consultation with internal and external stakeholders, including state and local election officials associations, election experts and others who will assist the agency in providing proactive support to state and local jurisdictions for future funding. These stakeholders will also provide technical assistance associated with the development and updates of the required plans and budgets. This includes sharing ideas and best practices from state-to-state, providing written feedback on every plan submitted by states, and making technical assistance available to support effective state administration of funds, including how to make sub-grants, how to track employee time, rules for equipment acquisition and other elements of effective management of federal funds.

Question 2: The EAC's Testing and Certification team successfully provided risk-limiting audit assistance and training in five states in 2018. Are there future plans to continue and expand these trainings?

Yes. The EAC is committed to providing States with technical expertise and assistance, especially ahead of the 2020 Presidential Election. The EAC's Director of Testing and Certification, Jerome Lovato, is one of the nation's most respected experts on risk-limiting audits. At the EAC, he has conducted trainings on this topic and authored a white paper that state and local election leaders can access to learn more about how risk-limiting audits work. Moving forward, the EAC does plan to offer additional trainings and to incorporate this work into large-scale gatherings, such as our planned January 2020 Election Year Summit.

Question 3: Data collected from the Election Administration and Voting Survey (EAVS) is important for improving and understanding election administration. In the EAC's most recent Annual Report, the agency mentions updating the EAVS Data Interactive, a visualization tool that allows for comparison of jurisdictions that will very likely be an asset to election officials.

a. Are there any other products the EAC anticipates creating from the EAVS data?

The EAC uses the state-by-state data collected through the EAVS to conduct secondary quantitative analysis on a select group of variables for a more in-depth

look into data outcomes. The results of these secondary analyses are published as EAVS Deep Dives, a series of white papers on a variety of subjects. The EAC will begin to publish these resources in the coming months.

The EAC also implements a primary qualitative data collection research effort that results in Topic Briefs. These short papers explore the practices and perspectives of a select group of state and local election officials and cover a variety of topics. EAVS data will be used to complement the mainly qualitative methodology incorporating a mixed methodology when applicable.

In addition, the EAC will produce EAVS Data Briefs, one-page summaries for each state and territory surveyed, that provide a graphical snapshot of data outcomes for the following:

- Voter Registration: Total Registered Voters, Registration Forms Received, Confirmation Notifications Sent, Registration Forms by Source
- UOCAVA: Ballots transmitted, counted and rejected by population (i.e. uniformed services, non-military overseas, other)
- Provisional Ballots: Counted in Full, Counted in Part, Rejected, Other
- Turnout by Method: Absentee, Provisional, Early Vote Center, Vote By Mail, UOCAVA

Analysis of EAVS data also allows the EAC to identify gaps and areas where states and localities may be able to benefit from targeted and more specified EAC training opportunities.

b. What are your insights on the most valuable way to share EAVS data with election officials and the public to influence decision-making and increase confidence in the electoral process?

The online availability of the EAVS comprehensive report is a valuable and readily accessible way for election officials to review key findings from the analysis of EAVS data. While key findings highlight nationwide outcomes, the EAVS report identifies state-by-state outcomes in appendices, and the EAC ensures that the data tables listing states' data are also available online. This allows states to conduct comparative analyses with peers for on any number of variables. The EAVS data interactive provides users visiting the EAC website the opportunity to explore election administration data and, with additional resources, the EAC plans to enhance the user experience with this tool.

Another valuable way to share EAVS data is through our Election Data Summits, the most recent of which was held this year on June 27, 2019. Over the years, the

Summits have been open to the general public and provide an opportunity for election officials, election data enthusiasts and stakeholders to come together to discuss how use EAVS data and other data sources to improve election administration processes and related decision making. The Election Data Summit is livestreamed to maximize access for the broadest possible audience interested in learning more about the EAVS. In addition to hosting our own summit, EAC Commissioners and staff travel to state and local election association meetings and other stakeholder events to expand the audience of EAC resources, including the EAVS.

Question 4: The EAC has done admirable targeted work to ensure that voters with disabilities have meaningful access to vote with privacy and independence.

a. What are the primary obstacles you have encountered in ensuring that voters with disabilities can access the franchise?

Voting accessibility has long been a priority for the EAC, as well as for the election officials and voters we serve. The EAC was established in 2002 as part of the Help America Vote Act (HAVA), legislation which built upon the disability protections enshrined in the Americans with Disabilities Act (ADA) by outlining a clear mandate to ensure Americans with disabilities be given the same opportunity to vote freely and independently as other voters. It was the first time Congress set forth such a measure and it is one we must not ignore.

Nearly one-sixth of the total U.S. electorate has one of a broad range of disabilities, including mobility, communicative, physical and cognitive impairments. This ever-growing population of voters may also face educational, cultural and political barriers that could make participating in elections even more difficult. It is imperative that these men and women have a seat at the table as election officials make critical decisions about how they run elections.

Unfortunately, the primary obstacle encountered by voters with disabilities is the inability to cast a ballot with ease in a private and independent manner. Much work remains to be done in this area.

We recognize that election officials with limited manpower and budgets may often feel they face a broad range of challenges, including security, that are sometimes in tension with the responsibility to provide accessible elections. The EAC works to help election officials navigate these obstacles through the distribution of resources, best practices, and federal funds.

For example, last year after Congress allocated $380 million in funds for states and territories to improve the administration of elections for Federal office, each State began to determine how they would spend these federal dollars. Improvements to election security and technology, as well as upgrades to voter registration systems, were at the top of most lists. The EAC's resources and guidance continue to help States to understand

their legal obligation to make sure these improvements are in sync with the obligation to ensure every voter can cast a ballot privately and independently.

This kind of guidance reflects the fact that the EAC serves as a trusted federal partner in the work to identify procedures and practices that have a proven record of serving the needs of all voters. The EAC also connects election officials with accessibility experts and advocacy groups that stand ready to assist in the effort to help Americans vote.

Beyond the EAC's convening power and our administration of federal funding, the Commission uses its voluntary testing and certification of election systems, its creation of resources such as voting rights cards in Braille and large print, and its effort to identify and lift up innovative approaches and best practices to serve American voters who need assistance at the polls. The EAC has also contributed funds to develop new innovations, such as Prime III, which includes a remote ballot marking system, to expand accessibility for voters with disabilities.

b. What have you encountered as best practices to combat these obstacles?

As EAC Commissioners travel the country and meet with election officials, there are innovative best practices that assist voters with disabilities seen at many stops along the way. We strive to highlight these successful efforts so that election officials may replicate these activities across the U.S.

This year will mark the Commission's fourth annual national competition for best practices in Election Administration. Over the years, the Clearinghouse Awards have been dubbed the "Clearies" for short. This effort offers a great stage to celebrate and share best practices cultivated by election offices. A major theme of the Clearies is its focus on voting accessibility and serving voters with disabilities. In fact, one of the Clearie award categories is devoted exclusively to showcasing best practices in improving accessibility for voters with disabilities. In this competition, we receive a wide variety of outstanding entries and share these programs with the elections community. The Clearies play an important role in furthering the EAC's responsibilities under HAVA. Under that Act, the EAC serves as a clearinghouse for election administration information.

The EAC, along with various advocacy organizations, strives to empower voters with disabilities and election officials to continually improve the rights of a private and independent vote. The Commission has many accomplishments in helping voters with disabilities and election officials. However, much work remains to be done to reach the promise of HAVA and recognizing results-driven best practices is a crucial step in this process.

Question 5: Both the 2018 and 2019 EAC Standards Board Meetings had important panels on Elections and Disaster Recovery. Does the EAC plan to offer any additional formal products on the impact of natural disasters on elections? In what forms?

Natural and man-made disasters have the potential to throw elections into chaos, destroying infrastructure, displacing voters and potentially rendering the impacted system more vulnerable to security threats. In the wake of recent and catastrophic hurricanes, wildfires, floods, and volcanic eruptions, election stabilization and recovery in the aftermath of such events has unfortunately become a timely topic for election officials across the country.

The EAC has hosted discussions about Disaster Preparedness & Recovery, including at its 2018 and 2019 Standards Board Meetings, and has a bank of contingency planning resources on our website. However, the consequences of recent events, such as Hurricane Maria in Puerto Rico and Camp Fire in California, have laid bare the need for the EAC to focus additional resources on helping state and local election officials recover from disaster and prepare for potential future events.

Since the formation of this initiative in November 2018, the EAC has made site visits to election offices in Bay County, Florida and San Juan, Puerto Rico. During these visits, we toured the election offices, interviewed election officials on work being conducted to recover their systems, and have since released a series of videos on topics discussed during those conversations, including emergency preparedness, purchasing new equipment after old equipment was damaged, how election officials ensured displaced voters could still cast ballots, partnerships election offices have found particularly helpful as they rebuild and cybersecurity measures undertaken by these offices.

In March 2019, the EAC formed a Disaster Preparedness & Recovery Working Group (DP&RWG) comprised of election officials with hands-on experience successfully administering elections following natural or man-made disasters. The Working Group met for its initial meeting on April 10, 2019 prior to the EAC Standards Board meeting. In April 2019, during the EAC's annual Standards Board and Board of Advisors meetings, these EAC advisory boards also established committees to explore lessons learned and best practices gleaned from disaster preparedness and recovery within the election community. In addition, the EAC hopes to mobilize a Government Coordinating Council Working Group to assist with a national DP&R project.

Moving forward, the EAC will work with each of these entities to open lines of communication between other federal agencies and election officials; create dynamic resources that cull the knowledge of election officials who have had to rebuild their systems after severe natural and man-made disasters; and, establish additional avenues of support to expedite recovery when a disaster occurs. The EAC plans to expand its website with new resources stemming from this work, potentially including planning templates, best practices, original research reporting, and agency recommendations for improvement regarding disaster response and recovery in relation to election administration and voter participation.

It is important to note that all staff working on the Disaster Preparedness & Recovery initiative each have other, full-time jobs in addition to their work on this issue. It is our

hope that, with additional funding, we can hire additional staff to support this initiative and partner with contractors who can provide specialized training and expertise.

National Clearinghouse Functions

The Help America Vote Act states that the EAC, "shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections."

Question 6: If provided additional resources, what additional activities would you be interested in using this clearinghouse function for?

With additional resources, the EAC would enhance its current support for state and local election officials and invest in the following initiatives:

- **Develop and complete an EAC Communications Initiative projected to cost $710,000.**

New Resources and Training
This initiative would allow the existing staff to work with outside experts and contract writers to prepare a suite of training materials that could be combined into training manuals or parceled out for more specialized trainings. Using the Commission's "Election Administrator Competencies" Wheel **(Attachment C)** as our guiding principle, the training materials would touch on as many aspects of election administration as possible, but certainly would include best practices, checklists, and guidance pertaining to the following topics:

- Election Security
- Procuring Election Technology and Voting Systems
- Recruiting Poll Workers
- Disaster Preparedness and Recovery
- Using Election Data to Improve the Voter Experience
- Accessibility

In addition to using these materials for trainings across the nation, the EAC would add the updated materials to its website ahead of 2020.

This communications initiative would include a series of five regional trainings ahead of the 2020 Presidential Election. The EAC would offer two-day, regionally-based "2020 Election Bootcamp" events that feature hands-on training rooted in the new materials above. The events would be a mix of panels, trainers, keynote speakers, and hands-on exercises offered for election administrators. Ideally, these events would take place starting one year out from the 2020 Presidential Election and be completed no later than midway through the second quarter of 2020. Potential sites for these trainings include:

- Washington (Northwest)
- New Mexico (Southwest)

- Missouri (Midwest)
- Florida (Southeast)
- Washington, D.C. (Northeast)

In addition to serving as an incredible learning opportunity for election officials, these conferences would provide the EAC with regional platforms to conduct media outreach, place opinion pieces, conduct editorial board meetings, and highlight HAVA grant-supported efforts across the nation ahead of 2020.

Combatting Disinformation
To fight potential disinformation on social media, with additional funding, the EAC would be able to increase its role as a trusted source of election information and increase voter confidence. The EAC would invest in paid media placements ahead of the 2020 Presidential Election. These regional print ads, radio news releases or ads, as well as national online ad buys, could link back to "trusted source" resources for voters or provide public service information about how voters can make sure they are able to fully participate in the 2020 Presidential Election, including how to serve as a poll worker. This effort would serve as a complement to our regional trainings efforts by specifically targeting voters across the nation and elevating the profile of the EAC's broad spectrum of offerings for them (i.e., up-to-date election calendars, "Voting Rights" cards, and portals to contact local election officials).

In an era where misinformation campaigns carried out on social media and by more traditional means have the potential to negatively impact elections, the EAC understands better than any other agency the need for election officials to be the most trusted source of election information. At the federal level, Vote.gov has the opportunity to be a one-stop, trusted federal source for voters and the EAC can provide leadership to ensure this is the case.

Serving as a trusted source for voters is an essential responsibility that the Commission carries out and one that it hopes to enhance by partnering with other federal entities that provide election information. In an effort to streamline information sharing and provide voters with improved access to accurate election information and a broader array of voting resources, the EAC plans to partner closely with the administrators of Vote.gov. Currently, Vote.gov's website and the EAC's www.eac.gov website are managed and updated by independent webmasters. When real-time edits are made on the EAC's websites, it is imperative that these same changes be reflected on Vote.gov. By linking the two sites and streamlining updates, the EAC can ensure that voters always have access to the most recent versions of important forms and resources. Looking ahead, we hope to leverage this relationship to improve the quality and expand the amount of information available on Vote.gov.

➢ **Enhance the Research Initiatives at a cost of $538,000.**

Section 241 of HAVA allows the EAC to periodically conduct and make available public studies regarding prescribed election administration issues. EAC's ability to meet this requirement is significantly constrained due to insufficient funding for research personnel

and contract mechanisms. Currently, there is one staff member conducting original research that produces best practices for election officials nationwide. This constraint limits the magnitude of up-to-date information the agency can feasibly produce, internally, in a timely manner. Personnel constraints limit the EAC's ability to efficiently serve as a clearinghouse of election information.

The EAC proposes three additional staff that will help produce the following items:

- Security-related best practices for statewide voter databases and other forms of election technology in 2020 and beyond
- Best practices to secure the vote-tabulation machines used to cast and tally votes
- Best practices to mitigate the risks of vulnerable public-facing elections websites and the exploitation of backend databases behind web servers used by election officials
- A primer on advanced voting that includes the most current best practices on implementation
- Best practices to ensure effective and efficient voter list maintenance
- Best practices to design ballots used in elections for public office, including paper ballots and electronic or digital ballots, to minimize confusion and user errors
- Best practices to improve voting access for individuals with disabilities during elections for Federal office

Furthermore, there are several reports with content that need to be revisited and revised for use and applicability. The following HAVA reports should be updated:

- Effective Designs for the Administration of Federal Elections (Ballot Design) (2007)
- Improving State Voter Registration Databases (2009)

The information that we have shared with you is the tip of the iceberg as it relates to all of the EAC's activities that are conducted on a daily, weekly and monthly basis. The EAC's "Election Administration Competency" Wheel is the driving factor of all programs that the EAC endeavors to develop and share with election officials around the nation. Developing products for election officials to navigate these topics is our primary goal.

➢ **Double the size of the Testing and Certification staff at a cost of $350,000.**

Doubling the existing staff to six staff members focused on the Testing and Certification and the Election Technology and Security programs would allow for increased output in certifying voting systems and cybersecurity support.

Question 7: Is there a potential to save local officials money, perhaps by reducing redundancies and sharing best practices?

Yes. Perhaps one of the greatest values of the EAC's Clearinghouse function is its ability to share best practices and other resources across election jurisdictions, information that helps States to identify efficient and effective ways to serve voters. From sample RFPs and detailed plans regarding how states are investing federal funds to best practice case studies on issues

ranging from election accessibility and poll worker recruitment to election security and technology, the EAC's wealth of election administration information supports election officials as they make decisions about the best way to invest their limited resources.

In addition, should additional funds become available, the EAC is working to provide even more hands-on assistance that can help jurisdictions stretch their funds. For example, if the Commission's funding were restored to the FY2010 level, the EAC could deepen its bench of expertise with five cyber experts devoted to assisting States, additional grants management and auditing support, doubling the size of our current research team and adding additional members to our Testing and Certification team. This additional capacity would allow the Commission to produce additional materials, provide a higher level of support for state and local election officials, and elevate the EAC's presence around the country with more regional conferences and trainings. This would also help states that are struggling to afford cyber assistance.

Personnel

Question 8: Under the EAC's Organizational Management Policy Statement dated February 24, 2015, the succession plan for the agency head only contemplates succession when all Commissioners seats are vacant.

a. **What is the succession plan for the executive director during a vacancy when all Commissioners seats are full?**
HAVA Section 205 (a)(3)(C) provides that if a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director.

b. **When there is only a quorum of Commissioners?**
HAVA Section 205 (a)(3)(C) states that if a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director.

c. **When there is no quorum of Commissioners?**
The 2015 Policy Statement document referenced establishes a succession plan in the event there are no Commissioners. The succession begins with the General Counsel, followed by, in order, the Chief Operating Officer, Chief Financial Officer, Communications & Clearinghouse Director, Voting Systems Certification Director, Election Administration Research & Programs Director, and Grants Administrator.

d. **What is the succession plan for the general counsel in each of those same circumstances?**
HAVA does not provide a succession plan for General Counsel. HAVA Section 204(a)(4) allows for the Commission to appoint a General Counsel. In cases where there is no quorum and no General Counsel, the Executive Director could

appoint someone to serve in an acting role until a quorum is re-established and a General Counsel could be appointed by the Commission.

e. **Please share the policy adopted by the Commission outlining this succession.** As mentioned, HAVA does not provide a succession plan for General Counsel.

Question 9: HAVA Section 204(a)(3)(B) clearly states that "the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director." It does not require that the individual selected actually be among those names; it solely requires that they be considered. This text therefore contemplates an alternate method to select an executive director. The search committees of the advisory boards are thus detailed as one approved method for finding an executive director, but are not the only approved method, and an alternate search method is nowhere expressly prohibited. Further, as a generally accepted legal principle, the requirement of one method, absent more, does not prohibit the usage of any alternative methods. In Chairwoman McCormick's testimony, she suggested, incorrectly, that the only available means to initiate a search for the executive director is the approach using the search committees of the advisory boards once a vacancy occurs.

Historically, the EAC has posted an Executive Director vacancy announcement that results in resumes being submitted for consideration. Upon a vacancy announcement, the advisory boards subsequently formed search committees to review and vet the resumes received through the EAC employment process. The advisory board search committees then reviewed most, if not all of the resumes, ranked and rated the same, and submitted recommendations for the Commissioners to consider. The advisory boards have not operated in any other fashion related to vacancies.

In fact as the Boards are advisory to the EAC, it is not contemplated by the Statute that the Boards would conduct an alternative process for seeking an Executive Director especially in light of the fact that there currently is not a vacancy. Importantly, the Boards cannot act beyond the established procedural requirements of the agency as they are advisory, only. The premise of an alternative process, as stated in the question, overlooks the relevant preceding section of HAVA, 204(a)(3)(A) that says "When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position."

As noted, upon the announcement of a vacancy, the boards then establish search committees, not before. Creating an early candidate list would not only suggest that the nominees that came from the boards may not be properly considered, but there would be no expediency achieved in filling the position because HAVA mandates that these committees be appointed when a vacancy occurs and recommend at least three nominees.

a. **Given that there is no prohibition on an alternate search, what is your plan to begin undertaking an alternate formal search, or adopting a policy for there to be an informal search?**

The Commission plans to follow the requirements set forth in HAVA. We recognize the Committee Members' concerns about the potential timing of the expiration of the current Executive Director and General Counsel terms. We believe that the Commission may be well served to develop a policy that allows for a determination if the incumbent Executive Director and/or General Counsel are interested in being retained for an additional term, as described in HAVA, and to ascertain if other parties are interested in the positions a few months prior to the expiration of a term. This would allow the Commissioners to know if they should anticipate a vacancy and to make a more fully formed decision if a vacancy were to occur. Given the requirements of agency policy making **(See Attachment D)** and our lack of counsel that would not be conflicted, it appears that adopting such a policy ahead of the end of the current Executive Director and General Counsel terms may not be possible. We are committed to considering a related policy in this area.

b. On what date will you begin this search?
Any search will be conducted in a manner consistent with the provisions of HAVA, Section 204(a)(3).

Question 10: Commissioners indicated that the interpretation of the EAC succession plan and the availability of holdover status for staff under HAVA and your internal policies will be conducted by your general counsel. Your general counsel position will also arrive at a vacancy this November. This is a conflict of interest, given that your general counsel's interpretation of his ability to hold over will impact his potentially continued employment.

While there was a brief discussion by one Commissioner about consulting with the General Counsel on the formation of a search committee, the Commissioners did not discuss this item in the manner portrayed in the question. The Commissioners are not anticipating a legal opinion from the General Counsel in this regard. However, agency staff has sought the input of federal personnel authorities on this issue and, once information is received, the Commission will be in a better position to respond.

a. Please explain how you will deconflict this issue and arrive at an appropriate and credible interpretation regarding your succession plan.
As previously stated, the Commissioners are not anticipating a legal opinion directly from the General Counsel in this regard, but will be considering information from relevant federal personnel authorities regarding these particular issues.

Question 11: In the order in which they were originally ranked, please share the complete list of names suggested to you by the Board of Advisors and the Standards Board, respectively, for consideration for executive director when you last considered candidates for that position.

Please note that the previous ranking of names conducted by the advisor boards was conducted in response to resumes submitted in response to a vacancy announcement, so we are unable to share the names of the individuals who were not selected for the position as a matter of privacy.

Question 12: On what date did your current executive director's term begin? On what date is a vacancy scheduled to occur for your executive director position?

On October 22, 2015, the EAC's Commissioners voted to appoint Brian Newby as the EAC Executive Director for a four-year term. The agency has sought the input from relevant federal personnel authorities regarding the beginning and ending dates of the terms for Executive Director Newby and General Counsel Tatum.

Question 13: On what date did your current general counsel's term begin? On what date is a vacancy scheduled to occur for your general counsel position?

On October 22, 2015, the EAC's Commissioners voted to appoint Clifford Tatum as the EAC General Counsel for a four year term. The agency has sought the input from relevant federal personnel authorities regarding the beginning and ending dates of the terms for Executive Director Newby and General Counsel Tatum.

Question 14: Expediency requires you to start this executive director search now, and HAVA does not expressly prohibit such search before a vacancy exists.

a. Can you commit to beginning a search process for the executive directorship?

While we appreciate the nature of this question, we intend to follow a process consistent with HAVA at the appropriate time, and we respectfully note that a response to this question would in effect require deliberation and a consensus of the Commissioners on how to proceed. As such, we are not conducting deliberations or making a public statement on this matter at this time. In the event of a vacancy, the agency is prepared to proceed with a candidate search process.

Question 15: Your charge as Commissioners is to be stewards of the agency; does knowingly leaving the executive director position vacant during the 2020 election constitute good stewardship?

Each Commissioner plans to continue to uphold the Oath of Office, consistent with their responsibilities detailed in HAVA, that they took when beginning their service as Commissioner. All positions identified in HAVA—Commissioners, Executive Director, General Counsel, and Inspector General—are filled at this time.

Question 16: Please detail, step by step, the process for announcing and filling the position of Director of Testing and Certification.

a. Please share the job posting.
See **Attachment E** or visit this link:
https://www.usajobs.gov/GetJob/ViewDetails/526497300

b. On what date did you publicly post the position?
March 6, 2019

c. On what date did you hire the candidate?
The candidate was hired on May 8, 2019, and he assumed the position on May 12, 2019.

d. How many people applied?
20 applications were received and reviewed by the EAC's OHR and Executive Director.

e. How many people did you interview?
One internal candidate was interviewed for this position. No external candidates were interviewed.

f. Did Mr. Jerome Lovato apply for this position?
Yes.

g. Please describe the circumstances under which Mr. Lovato was awarded this position.
Following a successful interview and Mr. Lovato's continued interest in the position, he was offered and accepted the position to lead the EAC's Testing and Certification Program.

Question 17: On the evening of May 14, 2019, one day before the Senate Rules hearing and less than a week after hiring Mr. Lovato, you announced two new additions to the Testing and Certification staff.

a. Please describe your process for selecting those individuals.

EAC utilizes a variety of merit-based staffing methods to fill positions. Recruiting is carried out by OHR and qualification assessments are generally conducted directly by the operating units where permissible under applicable statutes, regulations, and policies. As an excepted service agency, the EAC does not use OPM registers of ranked qualified candidates for appointment to the civil service.

These methods are supplemented by other staffing tools, such as paid advertising, flexible entry salaries, trial periods, recruitment and retention payments, and flexible pay increases associated with promotion. These methods are intended to attract higher-quality candidates, speed up the recruiting and examining

processes, increase the effectiveness of the trial period review process, and increase the retention of good performers.

As an excepted service agency, the EAC is statutorily exempt from the hiring and classification mandates of Title 5 in the U.S. Code that govern appointments in the competitive service[1]. This special authority allows EAC to use a streamlined hiring process, consistent with the merit system principles of 5USC 2301(b), rather than hiring through the traditional competitive process. In fact, HAVA 204(a)(5) states that "Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate."

The agency may, but is not required to, post vacancies on USAJOBS; however, the majority of recruitment actions to fill vacancies are advertised to allow fair and open competition. EAC announcements will generally be open for the period of time and to the widest audience necessary to provide an adequate number and diverse pool of candidates from which a selection can be made. Vacancy announcements are prepared and posted by OHR in consultation with the requesting office.

Once the vacancy announcement closes, it is determined which candidates meet the minimum qualification requirements for the position vacancy. The selection process that follows is designed to determine which of the minimally qualified candidates are best capable for the vacant position. The assessment methods may consist of panel assessments, peer reviews, interviews, work samples, or other valid methodologies deemed appropriate for the position being filled. Hiring supervisors, with OHR approval, determine which type of assessment method will be used to assess applicants.

As we receive resumes and applications for employment, we identify potential employees and look at past employers to determine if there are any potential conflicts of interest. If so, generally we discuss what the potential conflicts could be and determine whether or not we can facilitate employment based on ethical standards. If potential conflicts are identified, our Designated Agency Ethics Official reviews the issues and when necessary, seeks expertise from the Office of Government Ethics.

The Office of Human Resources (OHR) posted this position on USAJOBS.gov from November 19 to November 27, 2018 and again on April 12 to April 28, 2019. Between November 19 and November 27, 2018, we received 35 applications for the position. Between April 12 and April 28, 2019, we received 41 applications for the position, for a total of 76 applicants for the position. The Office of Human Resources and the Executive Director reviewed the applications to identify those who were qualified. This entire list was provided to Mr. Lovato for his consideration.

[1] *See* 52 U.S.C. §20924(a)(6)

Two candidates were deemed to be "best qualified" and OHR conducted interviews with these candidates together with the Director of Testing and Certification. OHR then conducted reference checks via telephone call and initiated the process to verify their matriculation from the Universities they attended.

b. **Please share the job posting.**
See **Attachment F** or visit this post:
https://www.usajobs.gov/GetJob/ViewDetails/507322500

c. **Was there an open and transparent application process?**
Yes.

d. **On what date were the positions announced?**
The position was announced twice, November 19 to November 27, 2018 and again on April 12 to April 28, 2019.

e. **On what date were they filled?**
Paul Aumayr assumed the position on 5/28/2019.
Jessica Bowers assumed the position on 5/30/2019.

f. **Did the time between the announcement of a vacancy and your filling of the vacancy allow for finding and vetting the most qualified candidates?**
The time elapsed between the first time the announcement closed to selection of candidates was 5.5 months, and the time elapsed between the second time the announcement closed to selection of candidates was one month. This time frame was sufficient and allowed for us to find and vet the most qualified candidates.

g. **How many people applied?**
Between November 19 and November 27, 2018, we received 35 applications for the position. Between April 12 and April 28, 2019, we received 41 applications for the position.

h. **How many people did you interview?**
Mr. Lovato and the Office of Human Resources interviewed two candidates.

i. **By whom were these hires made?**
These hires were determined by the Director of Testing and Certification and approved by the Executive Director.

j. **Did the Commissioners weigh in on these decisions at all?**
No, Commissioners are not involved in the process of hiring personnel.

Question 18: Chairwoman McCormick said she "believes" there is a SCIF available to Mr. Jerome Lovato in Colorado, and that it would be to Colorado's state standards.

a. **Please confirm the location of the SCIF.**
The EAC has discussed this issue with the Department of Homeland Security (DHS), and DHS will direct Mr. Lovato to an appropriate SCIF near his location if a need arises. This is the same process DHS undertakes for other members of the EAC, including Commissioners, as the EAC's current location in Silver Spring does not have a SCIF.

b. **How far it is from Mr. Lovato's primary place of work?**
This would be determined at the time of an event, but a federal facility is in the metropolitan area where Mr. Lovato works.

c. **Please detail how it meets all federal government standards.**
DHS understands and verifies SCIF requirements. The EAC therefore has confidence that the facility DHS chooses at a particular time will meet those requirements.

Question 19: Chairwoman McCormick also noted Mr. Lovato will travel back and forth between Colorado and the EAC's office in Silver Spring.

a. **At whose expense will Mr. Lovato be travelling back and forth?**
When Mr. Lovato travels on EAC business, his travel expenses are paid by the EAC.

b. **What is the estimated weekly cost of this travel?**
Mr. Lovato is not traveling to the EAC on a weekly basis. As a point of reference, since Mr. Lovato began his new role, he has traveled twice in two months to the Silver Spring office. Mr. Lovato is not the first Testing and Certification employee with a duty station outside of the Washington D.C. area. Previously, the EAC had two technical reviewers who worked outside of the area and traveled to the EAC occasionally. In addition, over the years, the EAC has had other employees in other departments with duty stations outside of the EAC.

c. **How frequently will he be travelling?**
Mr. Lovato travels frequently for EAC-related business, such as attending and presenting at conferences and conducting trainings. Mr. Lovato travels to the EAC office in Silver Spring when he has other meetings in Washington, DC, and he is available to travel to the EAC on an as-needed basis. Mr. Lovato regularly participates in staff meetings and other discussions via conference call or video.

d. **What percentage of time do you expect Mr. Lovato to be at the EAC headquarters? What percentage in Colorado?**
As stated, Mr. Lovato has an intense travel schedule beyond Washington, DC and away from his duty station in Colorado. The nature of the position requires that he go where he is needed when he is needed. That said, the Commission anticipates that Mr. Lovato will spend approximately 65 percent of his time in Colorado and 35 percent of his time out in the field directly serving election officials and other stakeholders, including time in Washington, DC.

e. **Would hiring an individual who resides in or near Silver Spring, Maryland, demand fewer agency resources?**
Perhaps. However, the EAC serves stakeholder across the country, and any such analysis is, at best, complicated. The EAC offices are space-constrained, and the EAC has requested funds to move to larger, more ADA accessible space.

f. **Please list all other individuals in the agency who have a duty station other than Silver Spring, Maryland.**
Margaret Ollove – Brooklyn/Cattaraugus, NY
Christy McCormick – Williamsburg, VA
Donald Palmer – St. Johns, FL
Jessica Bowers – Aurora, CO

g. **At whose expense do those individuals travel to Silver Spring?**
When individuals travel on EAC business, travel expenses are paid by the EAC.

h. **Please share the cost of travel annually covered by the agency for each individual, respectively, whose duty station is not Silver Spring, Maryland.**
In Fiscal Year 2018, the cost of travel covered by the agency in this regard was $0, and, similarly, for the first half of Fiscal Year 2019. The EAC had employees with duty stations outside of the Washington area in the past, during Fiscal Year 2017 and earlier, and can research this information if it is deemed useful.

Question 20: Commissioner Palmer stated that there is an "ethics officer and the general counsel."

a. **Who is your ethics officer?**
The General Counsel, Clifford Tatum, is the EAC's Designated Agency Ethics Official.

b. **What are his or her qualifications?**
The General Counsel has been designated as the Agency Ethics Officer. He has participated in and continues to receive training conducted by the Office of Government Ethics. This training addresses substantive topics for ethical considerations and focuses on developing analytical skills required for identifying and resolving potential ethical issues, as well as training regarding the Agency Ethics Official's responsibilities related to training staff to identify and resolve potential ethical issues on a daily basis.

Question 21: Commissioner Palmer mentioned that, while employed at the EAC, Ms. Jessica Bowers will not deal with the voting machine vendor from which she came. That vendor is one of the three largest in the nation.

a. **How will this be operationalized?**
Ms. Bowers is only assigned projects that are not associated with her previous employer. She and her supervisor have been briefed by the EAC Ethics Officer,

and she understands her role and responsibilities as it relates to interacting with her former employer. Pursuant to Subpart E of the Ethics Code, the EAC is taking steps to ensure that Ms. Bowers avoids an appearance of loss of impartiality in the performance of her duties and are ensuring that she will not participate in a particular matter involving specific parties.

b. **How sustainable is this solution?**
This is a very sustainable solution since the Testing and Certification team is working on a wealth of other projects that do not include her former employer.

c. **How long will this firewall exist?**
The EAC Ethics Officer is reviewing this to provide guidance, but likely, the period will have a limited number of years and will be conducted in accordance with Section 2635.501 and 502 of the code of Ethics.

d. **Does this firewall ultimately create a circumstance where the vendors Ms. Bowers works with are treated differently than her former employer, by virtue of her working with some vendors, but not that one?**
No. Ms. Bowers clearly understands the code of ethics and is a committed public servant, as evidenced by her service in the U.S. Air Force and her performance to date at the EAC.

e. **Who will work with the vendor that is Ms. Bowers' former employer?**
The Testing and Certification program employs two senior election technology specialists. The Testing and Certification Director serves as the primary backup for both Senior Election Technology Specialists.

f. **Will that employee or those employees be firewalled from Ms. Bowers?**
The EAC is fortunate to have an employee of the caliber of Ms. Bowers and is utilizing discretion upon the certification issues she manages. However, she is a valued employee and will contribute in all ways expected of other EAC employees.

Question 22: Please answer the following regarding an apparent conflict of interest.

a. **Was the agency's ethics officer consulted before hiring Ms. Jessica Bowers to your Testing and Certification Team?**
The Agency Ethics Officer was consulted prior to Ms. Bowers joining the EAC team.

b. **Please provide the Committee your conflict-of-interest analysis regarding hiring a former vendor employee to oversee vendors.**
We reviewed the relevant sections of the Code of Ethics, specifically Subpart E (Impartiality in Performing Official Duties), as well as Sections 2635.501 (overview) and 2635.502 (Personal and business relationships). These sections relate to avoiding appearances of loss of impartiality and address covered relationships and permissible activities and specific matters.

Question 23: Please provide a list of all staff, consultants, or any other person paid any amount hired during Executive Director Brian Newby's tenure at the EAC. Please provide all of the following for each individual:

a. Title
b. Job Description
c. Date of hire
d. Date of end of service
e. Duty station from where they conducted their work
f. Total annual salary or, if not salaried, total payment for services
g. Any other position, and place such position was held, while also working for the EAC

See **Attachment G**.

Question 24: During the hearing, Commissioner Hicks and Chairwoman McCormick indicated they had not read the Annual Employee Survey covering 2017 and released in April 2018, or its accompanying comparison report. We request that all Commissioners familiarize themselves with this survey and comparison report, which are available on the EAC's website here: https://www.eac.gov/about/human-resources/.

a. **When was the Annual Employee Survey released in April 2018 conducted (from what date to what date)?**
The survey was conducted from the end of January through March 16, 2018.

b. **When was it released to the Commissioners?**
The survey results were reviewed by all EAC staff in the spring of 2018 and the results were posted on the EAC's website for general release at that time.

c. **Why has the report been delayed covering employee satisfaction for 2018?**
The Commission's 2018 employee survey was scheduled to be administered in January and February of 2019, but this year's government shutdown delayed the start of the survey.

d. **When is the next Annual Employee Survey to be conducted and released?**
As mentioned, the survey was to have been conducted in January and February 2019, but the government shutdown impacted those plans. The survey is now expected to be completed this fall.

e. **Please provide the results of a contemporary employee survey to the Committee before October of this year.**
The operational impact of the government shutdown cannot be minimized, and the employee engagement survey will be implemented as planned. Results likely will not be processed and available to the agency before October of this year.

Question 25: What are all of the complaints that have come to your Inspector General? Please provide a complete list including the content of the complaint, the date, and any other relevant information for each complaint.

The EAC's Inspector General is an independent entity whose work is conducted without review or oversight by the EAC. She receives complaints and addresses each correspondence as she wishes. Therefore this question must be directed to her via separate correspondence.

Agency Cybersecurity

Question 26: In November 2016, an incident occurred where hackers were able to penetrate the agency's technology infrastructure

a. In response, what impact assessments, if any were conducted by outside entities? By inside entities? Please name which entities.

In November 2016, a single webserver database was illegally accessed by a single suspect. This incident continues to be the subject of an FBI criminal investigation. As a point of record, hackers did not penetrate the EAC's technology infrastructure. The EAC has been told that the FBI believes the incident to be that of an individual criminal, not a nation-state effort. The suspect is believed to be responsible for more than 25 government and university incidents.

Since this incident the EAC has implemented numerous safeguards:

- Upon notification of the incident by the FBI—which occurred within a week of the incident—the EAC immediately removed the compromised server from the network, eliminating the hacker's potential to compromise EAC systems.
- Immediately following the incident, all servers and desktops were patched.
- Immediately following the incident, firewall configuration changes were made, via GSA, to close ports and to monitor traffic and eliminate unauthorized access.
- An Enterprise password reset was initiated for all staff and systems.
- An incident response policy was developed.
- The EAC hired a Chief Information Officer with an extensive cyber-security background to oversee cybersecurity and IT.
- A full compromise assessment was performed on the EAC network, including all desktops.
- The EAC implemented dual-factor authentication and mandatory use of PIV cards for authentication.
- The EAC procured FireEye's Network and Security Suite.
- Since email is the most vulnerable vector for cyber-attacks as it is the highest volume data ingress point for the EAC, the CIO implemented a

real time cloud based advanced threat protection solution. The EAC implemented a fully featured secure email gateway that leads the industry in identifying, isolating, and immediately stopping URL, impersonation, and attachment-based attacks, before they can potentially enter the EAC's network. The added security layer also scans all outgoing traffic for advanced threats, spam and viruses by using a confluence of intelligence-led context and detection plug-ins, malicious URLs are detected and attachments and URLs are analyzed against a comprehensive cross-matrix of operating systems, applications and web browsers. FireEye collects extensive threat intelligence on adversaries, through firsthand breach investigations and millions of sensors.

- The EAC has drafted an Enterprise Risk Strategy and Business Impact Analysis.
- The EAC continues to review GSA SOC reports and document that proper controls are in place on their network, as GSA manages the EAC's Wide Area Network.
- Beyond developing and practicing an Incident Response plan, the EAC continuously manages cyber risk by monitoring the risk environment as well as reviewing IT budgets, new technologies and services, security spending, and policies that have security implications.

b. If conducted, please share the dates those assessments were conducted.
The EAC worked with DHS to conduct an assessment in January 2017. Upon her hiring in the fall of 2018, our new Chief Information Officer began an overall assessment of the EAC's technology, as well as an assessment to review the incident and DHS's findings was conducted in 2019.

c. If conducted, on what date were those assessments shared with the Commissioners?
The decision to conduct an assessment by DHS came after considerable discussion between the Executive Director and each Commissioner in January 2017. The agency did not receive a draft report from DHS until more than a year later, but DHS's shared their initial findings in January 2017 and communicated to the Commissioners at that time. The second assessment's findings are in draft form and have just been delivered to the agency, so a review with the Commissioners will be forthcoming.

Election Technology and Testing and Certification

Question 27: Please answer the following regarding Testing and Certification.

a. What are the professional credentials of each member of the Testing and Certification team?

Jerome Lovato

Mr. Lovato has over 10 years of experience working in technological capacities with the state of Colorado. Prior to joining the EAC in 2016, his positions included Voting Systems Certification Lead and Risk-Limiting Audit Project Manager, and he has tested and piloted numerous voting systems for various entities. His education includes a bachelor's degree in Electrical Engineering from the University of Colorado at Denver. Mr. Lovato is extremely well-regarded nationally, and he is considered one of the leading post-election audit experts in the country.

Paul Aumayr

Mr. Aumayr comes to the EAC with over 15 years of elections experience at the Maryland State Board of Elections, where he has been involved in every aspect of voting system testing and certification. Most recently, as Voting System Director for the past eight years, he managed operations for Maryland's uniform voting system and electronic pollbooks, and chaired the voting system evaluation committee to appraise and select the state's voting system. Prior to that, he served as the Voting System Manager and in that capacity, authored the state's "Conducting the Election Guide." Mr. Aumayr has more than 10 years of IT experience; and has advised myriad stakeholders including, but not limited to, election officials, academics, voting system and other vendors, candidates and office holders, security and other IT expects as well as the voting public. He holds a bachelor's degree in Engineering, with Honors, in Computer and Electronic Engineering from The University of Brighton, UK. Paul is a Microsoft Certified Systems Engineer and Project Management Professional.

Jessica Bowers

Ms. Bowers joins the EAC with over 11 years of voting systems experience. She has held various roles including Director of Certification Compliance, in addition to several senior software developer positions in various organizations. She has a wide array of technical, leadership, and management experience, including over 18 years of software development and product support experience. Ms. Bowers has made regular presentations to senior and executive state and federal government officials on voting system security, accessibility and conformance to state election laws and rules, and is actively involved in VVSG working groups. She has earned a Bachelor of Science in Information Technology from the University of Phoenix, and is a Certified Scrum Master.

b. **Does the Testing and Certification team have the bandwidth or substantive experience to look at election hacking from a technological standpoint, considering machine software or hardware?**

This is a broad question that could encompass any number of responsibilities and activities. However, it is fair to say that the EAC does not have the tools or bandwidth to perform in-depth forensic analysis of any type of election hacking. This is beyond the scope of the agency's duties and responsibilities.

Question 28: Commissioners were asked about an election technology division and seemed supportive of it alongside the Testing and Certification program under the EAC's Information Technology Department. On Page 8 of the EAC's 2018-2022 Strategic Plan, dated February 12, 2018, there is a department listed under Information Technology called Election Technology.

The responsibilities of the Testing and Certification Program include project management of the voting system testing process. The staff members serve as technical reviewers of voting system technical documentation packages (TDPs), test plans, test reports, root cause analysis, among other things, and interpret that data in order to ensure the voting systems meet the certification requirements. The staff interacts with the voting system vendors and manufacturers, the test laboratories, and state election officials.

The Testing and Certification staff is involved in developing voting systems and election technology guidelines, requirements, test assertions, best practices, and white papers. Team members also serve as lead auditors under International Standards Organization (ISO) 17025 and ISO 9001. They maintain and monitor the quality of the Voting System Test Laboratories (VSTLs) and the registered manufacturers who submit voting systems for testing and certification.

However, with the expanded role of the EAC's Testing and Certification Program, this same staff has absorbed the Election Technology Program duties. Additionally, the Election Technology Program duties have been formalized as part of the Testing and Certification Program. These duties are assigned to the new Director of Testing and Certification, and were reflected in the announcement that was posted for that vacancy. The announcement for that position also added the duties of EAC lead on critical infrastructure, as well as election technology and cybersecurity, and the requirement to obtain a Secret security clearance.

In order to fulfill all of the new duties that have been assigned to the Testing and Certification Program, under the Director of Testing and Certification, an optimal total number of personnel is six, including three full-time staff working on voting system certification and two full-time staff working on Election Technology and Security Programs, in addition to the Director who will oversee the department. The EAC would also like to expand the number of testing laboratories it utilizes—currently two are in use and the EAC believes three is the optimal number of labs certified at this time.

a. **Pursuant to your unanimous adoption of this plan, why has your executive director not moved to implement this division since this strategic plan was published?**
The organization chart on Page 8 does not represent such a Division. The organization chart represents an internal IT function within the agency.

b. **When do you intend for this division to be implemented?**

Although many activities have been underway, as explained above, the organization chart on Page 8 does not represent such a Division. The organization chart represents an internal IT function within the agency.

Voluntary Voting System Guidelines (VVSG)

Question 29: To what evolved challenges do the Guidelines respond?

The VVSG, as updated in March 2015 (Version 1.1), was a natural evolution of the previous version. The version that the Commissioners recently voted to publish in the Federal Register to receive public comment (VVSG 2.0) is intended to allow for further strengthening of security while ensuring the accessibility requirements of HAVA. This approach was advocated by NIST and supported by the EAC Technical Guidelines Development Committee.

The underlying principles of accessibility, security, accuracy, reliability, and privacy remain, but have been enhanced to incorporate years of research and have been structured to align with other industry standards. Some of the changes involve an approach to software independence (paper backups), auditable records, voter information protection, unique identifiers for Risk Limiting Audits, interoperability, multifactor authentication, encryption, and new system integrity requirements.

Additional areas of change address overall transparency, potential use of commercially available over the counter hardware, assurance of compliance with Section 508 Web Content Accessibility Guidelines and usability across all modes of presentation (visual, audio enhanced video) and interaction (touch, tactile, non-manual).

Question 30: Can you describe the process of engaging stakeholders, including the election advocacy community, the National Institute of Standards and Technology, the Technical Guidelines Development Committee, and others?

By way of background, the VVSG have historically consisted of Principles, Guidelines and Requirements against which voting systems can be tested to determine if the systems meet required standards. Our goal is to bring technological gains in security and other factors to the voters. Some additional factors examined under these tests include functionality, accessibility, accuracy, and auditability. HAVA mandates that EAC develop and maintain these requirements, as well as test and certify voting systems. These guidelines are voluntary, and states may decide to adopt them entirely or in part.

The structure of the new VVSG reflects modifications proposed by the EAC's Technical Guidelines Development Committee (TGDC), which is chaired by the director of the National Institute of Standards and Technology and is comprised of election officials, voting system manufacturers, disability experts, cybersecurity experts, technology experts, and other key election stakeholders. In addition, the modifications were informed by a robust set of working groups organized by NIST to provide specialized feedback on many of these same topics. The new guidelines are a high level set of principles that will be supplemented by accompanying documents that detail specific requirements for how

systems can meet the new guidelines and obtain certification. The supplemental documents will also detail assertions for how the accredited test laboratories will validate that a system complies with those requirements.

Last year, the TGDC, as well as the EAC's Board of Advisors and Standards Board, recommended adoption of the proposed VVSG 2.0 Principles and Guidelines. Unfortunately, when one of the Commissioners left the EAC, we lost our quorum and were not able to vote to move the new guidelines forward. That changed earlier this year when the Senate confirmed two new EAC Commissioners. In February, after Commissioner Palmer and Commissioner Hovland were confirmed, our first official act was to unanimously vote to publish the VVSG 2.0 Principles and Guidelines in the Federal Register for a 90-day public comment period. At that time, we also announced our intention to hold public hearings to gather feedback on the proposed principles and guidelines. Our first public hearing took place on April 10 in Memphis, and we held our second public meeting in Salt Lake City on April 23. On May 20, we held our third hearing at our office in Silver Spring. The public comment period on the VVSG 2.0 Principles and Guidelines concluded on June 7, 2019, following a one-week extension to provide time for all parties to submit their comments for consideration.

Question 31: What cooperation from the election community, if any, would assist you in this information collection effort?

The EAC is working with NIST and its advisory boards in this effort.

Questions for the Record from House Administration Minority

Question 1: What is the likelihood of the EAC starting an Elections Cyber Assistance Unit? Is this similar to what my home state of Illinois is doing?

a. **What resources do you all need to get something like that up and running ahead of the 2020 Elections?**

Certainly, this initiative is inspired by the work in Illinois. The EAC is committed to expanding its election cyber support efforts. For example, if the Commission's funding were restored to the FY2010 level, the EAC could deepen its bench of expertise with five cyber navigators devoted to assisting States, additional grants management and auditing support, doubling the size of our current research team and adding additional members to our Testing and Certification team. This additional capacity would allow the Commission to produce additional materials, and provide a higher level of support, for state and local election officials and elevate the EAC's presence around the country with more regional conferences and trainings. This would help States that are struggling to afford cyber assistance.

Question 2: Can you tell us about the Commission's role in assisting states with post-election audits? What services do you already provide in this area?

As with all aspects of election administration, the state and local jurisdictions operate elections in accordance with federal and state law. The EAC does not operate elections nor actively get involved in any specific aspect of election administration conducted by local election administrators.

However, the EAC does develop materials that focus on leading best practices within election administration, including post-election audits. The EAC developed a white paper outlining the various facets of post-election audits, including risk-limiting audits, and has participated in state workshops related to risk-limiting audits. The EAC would like to expand this support to providing training for all post-election audits, but the Commission currently does not have sufficient staff capacity to expand this effort. Part of the EAC's suggested expansion of its budget within the Testing and Certification division, proposed to appropriations staff, would double the number of persons in this division and allow for more staff guidance in this area.

Question 3: Can you tell us about your 2009 funding and staff levels versus today's funding and staff levels?

When Commissioners Ben Hovland and Donald Palmer were confirmed by the Senate in early January, the EAC had a full slate of Commissioners for the first time since 2010, when the EAC had 49 employees. This drop in staff is commensurate with an approximate 50 percent decrease in the EAC's annual budget since 2010. The EAC faces the 2020 election cycle with greater expectations and challenges than it has had in years, but its budget does not reflect this urgency.

Attachment H shows the budget decline at the EAC, the headcount difference between 2010 and now, and the major areas where staff has been reduced through attrition. Other positions, such as assistants for the Commissioners, a Chief Operations Officer, and additional grants and clearinghouse staff, have been unfilled for years. In fact, as part of an outside study and recommendations from the Office of Personnel Management, the EAC eliminated two filled positions, with some of those duties absorbed by existing employees and the remainder to be performed by a second attorney.

Question 4: What is the EAC's most pressing staff need at this time?

Restoration of a quorum was an essential step toward strengthening the ability of the EAC to provide the best possible support to state and local election leaders and the voters they serve. It also lays bare the fact that our Commission is stretched to the limit with regard to resources.

For example, in many instances, there is a lack of redundancy within the staff, meaning when a staff member is on vacation or ill, there is not a back-up employee who is able to fulfill their responsibilities. We feel this most in areas such as grant administration, finance, and the General Counsel's office, which each only have one full-time employee. In addition, many on the staff are satisfying the requirements of their own job description while also carrying out duties that

would typically lie beyond their responsibility, such as our Testing and Certification team working on critical infrastructure tasks. This is the most pressing issue we face today, particularly in light of other priorities. Answering these QFRs, and those from the Senate, have consumed extensive resources that top over 300 hours in the past two months, resulting in real and opportunity costs that have diverted scarce resources from addressing the EAC's mission.

Question 5: When it comes to DREs without a VVPAT, what is the current status of use of those machines in the United States?

a. **Should we encourage jurisdictions to move away from the DRE machines without a voter-verified paper audit trail?**

According to the 2018 Election Administration and Voting Survey, DREs with VVPATs were used in 38.9 percent of states, and DREs without VVPATs were used in 29.6 percent of states. States where more than half of jurisdictions used DREs without VVPATs are Delaware, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, and Tennessee. Less than two percent of jurisdictions reported using only DREs without VVPATs in the 2018 general elections without any other type of equipment, and no states or local jurisdictions reported using punch card or lever machines.

The percentage of states that use paperless DREs in 2020 will be significantly less due to states purchasing and implementing new voting systems this year.

The EAC agrees that having a voter-verifiable paper audit trail is the best way to audit a voting system. However, the EAC does not take a position on the types of voting equipment that a jurisdiction decides to purchase.

Attachment A

2018 HAVA Security Grants - EAC Engagement Tracker

STATE	Federal Funds Awarded per State FFR	States that Reached to EAC for Assistance (see color key below)	Pre-Award Notice to Grantees, Congress, Stakeholders	Create/Send Instructions--budget and narrative guidance	T.A. Webinars to State Election Directors--3 Live Webinars	Plan/Budget Review, Staff Write ups, Initial Report	Feedback--Security Plan & budget	Email-Phone Consultations on Needed Revisions to Plans	Second round of Plan and Budget Review	Number of 1:1 Phone Consultations April - Sept. 30, 2018	State Budget neg. / Intervention to safeguard Funds	GSA SAM Account Support	Email Technical Assistance # of Issues	Federal Financial Reports Training	Review of Annual Report and Feedback	Feedback to States on FFR/Narrative submissions
ALABAMA	$6,160,393		X	X	X	X	X	X	X	2		18	1	X	X	X
ALASKA	$3,000,000		X	X		X	X			1		2	1	X	X	X
AMERICAN SAMOA	$600,000		X	X	X	X	X	X	X			16	2	X	X	X
ARIZONA	$7,463,675		X	X	X	X	X	X	X	3		4	4	X	X	X
ARKANSAS	$4,475,015		X	X		X	X					23	2	X	X	X
CALIFORNIA	$34,558,874		X	X	X	X	X			4		2	6	X	X	X
COLORADO	$6,342,979		X	X	X	X	X	X	X	4	X	9	8	X	X	X
CONNECTICUT	$5,120,554		X	X		X	X	X	X			52	2	X	X	X
DELAWARE	$3,000,000		X	X		X	X	X	X	3		13		X	X	X
DC	$3,000,000		X	X	X	X	X			2		4	2	X	X	X
FLORIDA	$19,187,003		X	X	X	X	X			4	X	-	5	X	X	X
GEORGIA	$10,305,783		X	X	X	X	X			1		-	3	X	X	X
GUAM	$600,000		X	X		X	X					36	2	X	X	X
HAWAII	$3,134,080		X	X		X	X	X	X		X	6		X	X	X
IDAHO	$3,229,896		X	X		X	X	X	X		X	2		X	X	X
ILLINOIS	$13,232,290		X	X		X	X	X	X		X	-		X	X	X
INDIANA	$7,595,088		X	X	X	X	X	X	X	2		24		X	X	X
IOWA	$4,608,084		X	X	X	X	X	X	X			12	4	X	X	X
KANSAS	$4,383,595		X	X		X	X					17		X	X	X
KENTUCKY	$5,773,423		X	X		X	X	X	X			6		X	X	X
LOUISIANA	$5,889,487		X	X		X	X					2		X	X	X
MAINE	$3,130,979		X	X	X	X	X	X	X	2		2	3	X	X	X
MARYLAND	$7,063,699		X	X	X	X	X					1	2	X	X	X
MASSACHUSETTS	$7,890,854		X	X	X	X	X		X			1	2	X	X	X
MICHIGAN	$10,706,992		X	X	X	X	X		X	2	X	1	1	X	X	X
MINNESOTA	$6,595,610		X	X		X	X			5	X	3	4	X	X	X
MISSISSIPPI	$4,483,541		X	X		X	X		X		X	20		X	X	X
MISSOURI	$7,230,625		X	X		X	X					1		X	X	X
MONTANA	$3,000,000		X	X		X	X				X	1	2	X	X	X
NEBRASKA	$3,496,936		X	X		X	X					2		X	X	X
NEVADA	$4,277,723		X	X		X	X	X	X	2		-	1	X	X	X
NEW HAMPSHIRE	$3,102,253		X	X	X	X	X			4	X	1		X	X	X
NEW JERSEY	$9,757,450		X	X		X	X	X	X	4	X	2	3	X	X	X
NEW MEXICO	$3,699,470		X	X		X	X	X	X			4		X	X	X
NEW YORK	$19,483,647		X	X	X	X	X	X	X	3	X	1	4	X	X	X
NORTH CAROLINA	$10,373,237		X	X		X	X	X	X			6		X	X	X
NORTH DAKOTA	$3,000,000		X	X		X	X					16		X	X	X
OHIO	$12,186,021		X	X		X	X		X	1	X	2	2	X	X	X
OKLAHOMA	$5,196,017		X	X	X	X	X					24	3	X	X	X
OREGON	$5,362,981		X	X		X	X					1		X	X	X
PENNSYLVANIA	$13,476,156		X	X	X	X	X			2		1	3	X	X	X
PUERTO RICO	$3,676,962		X	X	X	X	X			1			5	X	X	X
RHODE ISLAND	$3,000,000		X	X		X	X	X	X			38+		X	X	X
SOUTH CAROLINA	$6,040,794		X	X		X	X	X	X			1		X	X	X
SOUTH DAKOTA	$3,000,000		X	X		X	X	X	X			1		X	X	X
TENNESSEE	$7,565,418		X	X	X	X	X	X	X	1		3		X	X	X
TEXAS	$23,252,604		X	X	X	X	X	X	X	1		1	3	X	X	X
UTAH	$4,111,052		X	X		X	X	X	X			36		X	X	X
VERMONT	$3,000,000		X	X	X	X	X			1		-		X	X	X
VIRGIN ISLANDS	$600,000		X	X		X	X			1		26	2	X	X	X
VIRGINIA	$9,080,731		X	X		X	X				X	-		X	X	X
WASHINGTON	$7,907,768		X	X		X	X			1		-		X	X	X
WEST VIRGINIA	$3,611,943		X	X	X	X	X			3	X	10	2	X	X	X
WISCONSIN	$6,978,318		X	X	X	X	X	X	X	2	X	14	3	X	X	X
WYOMING	$3,000,000		X	X		X	X	X	X			4		X	X	X
	$380,000,000		X	X		X	X	X	X					X	X	X

Color Chart

Allowable Costs | Policy Qs/OMB Circulars | Pre-approval Requests | State Appropriation Process

Attachment B

THE U.S. ELECTION ASSISTANCE COMMISSION

GRANT EXPENDITURE REPORT
FISCAL YEAR 2018

April 4, 2019

Overview

The U.S. Election Assistance Commission (EAC) was created by Congress in 2002 to improve the administration of elections for federal offices through funding, guidance and policy development under the Help America Vote Act of 2002 (HAVA).

HAVA provides funding to state and local election districts to support upgrading systems for casting votes, registering voters in statewide voter registration databases, providing provisional voting options, and implementing other improvements to the administration of federal elections, such as training for election officials and poll workers, polling place accessibility improvements, and disseminating information on how and where to vote.

Through September 30, 2018, a total of $3,628,946,231[1] in federal funds has been awarded to 50 states, the District of Columbia and four U.S. territories (American Samoa, the Commonwealth of Puerto Rico, Guam and the United States Virgin Islands) hereinafter referred to as the "States." This total includes $380 million appropriated by Congress in 2018 to support equipment purchases and security enhancements to election systems. This 2018 appropriation was the first time since FY10 that the federal government made resources available through HAVA to support federal election improvements to the administration of federal elections.

States have reported total expenditures of $3,400,037,361, or 85 percent of total federal funds and accrued interest, available under Sections 101, 102 and 251 of HAVA. This total includes $30,881,027 in spending associated with the 2018 awards, which took place between April 17 and September 30, 2018 in the run-up to the 2018 election. Chart 4 shows total funds expended excluding the 2018 HAVA Funds.

[1] This includes $300.3 million in Section 102 funds that were appropriated for the replacement of punch card or lever voting machines in 30 eligible states and $380 million appropriated in 2018 under Section 101 of HAVA.

HAVA SECTION 101 Funds

In 2003, EAC disbursed $349,182,267 to states under Section 101 of HAVA for activities to improve the administration of federal elections (see Table 1). **As of September 30, 2018, States reported total expenditures of $359,725,678, which reflects expenditures of federal funds and accumulated interest over the course of the award.** Twenty-seven (27) States have spent all of the Section 101 funds and interest and another fourteen (14) States have spent at least 90 percent of the funds. Table 1 provides a full accounting of expenditures by States.

Table 1 **Section 101 HAVA Funds as of September 30, 2018 (1,000s)**

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$4,989,605	$362,297	$4,821,432	$530,471
ALASKA	5,000,000	766,742	5,452,122	314,620
AMERICAN SAMOA	1,000,000	66,224	1,000,000	66,224
ARIZONA	5,451,369	1,010,134	2,095,600	4,365,903
ARKANSAS	3,593,165	226,288	3,819,453	0
CALIFORNIA	26,804,708	2,688,888	27,282,272	2,211,324
COLORADO	4,860,306	1,056,513	5,902,689	14,130
CONNECTICUT	5,000,000	682,868	5,682,868	0
DELAWARE	5,000,000	472,080	5,467,766	4,314
DIST. OF COLUMBIA	5,000,000	408,108	5,000,000	408,108
FLORIDA	14,447,580	1,843,679	14,183,307	2,107,953
GEORGIA	7,816,328	698,741	7,816,328	698,741
GUAM	1,000,000	12,773	1,012,773	0
HAWAII	5,000,000	1,369,777	1,687,087	4,682,690
IDAHO	5,000,000	1,807,418	6,807,418	0
ILLINOIS	11,129,030	1,264,381	12,102,242	291,169
INDIANA	6,230,481	938,781	7,196,262	0
IOWA	5,000,000	684,225	5,449,329	234,896
KANSAS	5,000,000	1,310,653	2,916,433	3,394,220
KENTUCKY	4,699,196	1,024,965	4,699,196	1,024,965
LOUISIANA	4,911,421	935,421	5,846,842	0
MAINE	5,000,000	611,679	5,606,021	5,658
MARYLAND	5,636,731	551,709	5,544,137	644,303
MASSACHUSETTS	6,590,381	904,363	7,494,744	0

Table 1 Cont. ***Section 101 HAVA Funds as of September 30, 2018***

State	Total Section 101 Funds Received	Interest Earned	Expenditures	Balance
MICHIGAN	$ 9,207,323	$ 1,662,608	$9,884,787	$985,145
MINNESOTA	5,313,786	64,724	5,378,510	0
MISSISSIPPI	3,673,384	443,500	4,116,884	0
MISSOURI	5,875,170	954,107	6,829,277	0
MONTANA	5,000,000	396,018	5,201,133	194,885
NEBRASKA	5,000,000	998,292	5,998,292	0
NEVADA	5,000,000	452,843	5,452,843	0
NEW HAMPSHIRE	5,000,000	1,193,153	2,460,200	3,732,953
NEW JERSEY	8,141,208	650,000	8,167,547	623,661
NEW MEXICO	5,000,000	292,244	5,292,244	0
NEW YORK	16,494,325	3,669,945	15,847,784	4,316,486
NORTH CAROLINA	7,887,740	719,637	9,495,453	0
NORTH DAKOTA	5,000,000	63,997	5,063,997	0
OHIO	10,384,931	426,837	10,811,768	0
OKLAHOMA	5,000,000	353,656	5,353,656	0
OREGON	4,203,776	59,199	4,262,975	0
PENNSYLVANIA	11,323,168	1,301,492	12,624,660	0
PUERTO RICO	3,151,144	324,191	3,467,760	7,575
RHODE ISLAND	5,000,000	140,275	5,140,275	0
SOUTH CAROLINA	4,652,412	886,692	5,300,905	238,198
SOUTH DAKOTA	5,000,000	2,385,195	4,796,646	2,588,549
TENNESSEE	6,004,507	1,047,014	6,279,290	772,232
TEXAS	17,206,595	3,727,371	18,469,359	2,464,607
UTAH	3,090,943	560,156	3,651,099	0
VERMONT	5,000,000	580,051	5,580,051	0
VIRGIN ISLANDS	1,000,000	21,806	1,000,000	21,806
VIRGINIA	7,105,890	1,130,578	7,637,378	599,090
WASHINGTON	6,098,449	259,047	6,357,496	0
WEST VIRGINIA	2,977,057	104,747	3,081,804	0
WISCONSIN	5,694,036	1,796,103	6,426,085	1,064,055
WYOMING	5,000,000	1,628,931	5,409,203	1,219,728
TOTAL*	**348,646,145**	**49,993,116**	**359,725,678**	**39,913,583**

*Reflects a deobligation of $536,122 as a result of an audit finding. Total awarded was 349,182,267.

In March of 2018, the Congress provided an additional $380,000,000 through the Omnibus Appropriations Act of 2018. The EAC awarded these funds to the 50 states, the District of Columbia and four U.S. Territories (American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands) eligible to receive them through a formula described in Sections 101 and 104 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). To access the funds, States provided a budget and a state narrative for how the funds were to be used.

While States could technically begin spending funds once they received their notice of grant award on April 17, 2018, most States waited until funds had been transferred to their state election account and many States had to first get state legislative approval before spending funds.

As a result, the expenditures for this initiative for the period ending September 30, 2018 are limited in scope (See Table 2 below). Further detail on the activities undertaken by each state and territory with the new funds prior to September 30, 2018 can be found beginning on page 10.

Table 2 **2018 HAVA Grants (Section 101 funds) as of September 30, 2018 (1,000's)**

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$6,160,393	$0	$0	$6,160,393
ALASKA	$3,000,000	10,578	$0	3,010,578
AMERICAN SAMOA*	$600,000			600,000
ARIZONA*	$7,463,675			7,463,675
ARKANSAS	$4,475,015	25,459	$4,475,015	25,459
CALIFORNIA	$34,558,874	$0	$0	34,558,874
COLORADO	$6,342,979	21,358	$20,337	6,344,000
CONNECTICUT	$5,120,554	19,512	$1,200	5,138,866
DELAWARE	$3,000,000	0	$0	3,000,000
DIST. OF COLUMBIA	$3,000,000	14,350	$399,400	2,614,950
FLORIDA	$19,187,003	$0	$14,659,908	4,527,095
GEORGIA	$10,305,783	$0	$0	10,305,783
GUAM	$600,000	269	$3,276	596,993
HAWAII	$3,134,080	$0	$0	3,134,080
IDAHO	$3,229,896	14,376	$498,689	2,745,583
ILLINOIS	$13,232,290	57,266	$9,402	13,280,154
INDIANA	$7,595,088	29,819	$218,953	7,405,954
IOWA	$4,608,084	7,200	$194,179	4,421,104
KANSAS*	$4,383,595			4,383,595
KENTUCKY	$5,773,423	23,722	$626,554	5,170,592
LOUISIANA	$5,889,487	11,726	$0	5,901,213
MAINE	$3,130,979	$0	$0	3,130,979
MARYLAND	$7,063,699	3,380	$1,565	7,065,514

MASSACHUSETTS	$7,890,854	36,111	$1,057,216	6,869,749
MICHIGAN	$10,706,992	54,033	$0	10,761,025
MINNESOTA	$6,595,610	36,883	$0	6,632,493
MISSISSIPPI	$4,483,541	11,096	$241,851	4,252,786
MISSOURI	$7,230,625	31,582	$224,922	7,037,285
MONTANA	$3,000,000	16,980	$0	3,016,980
NEBRASKA	$3,496,936	19,112	$23,207	3,492,841
NEVADA	$4,277,723	$0	$13,554	4,264,169
NEW HAMPSHIRE	$3,102,253	643	$129,426	2,973,470
NEW JERSEY	$9,757,450	$0	$909	9,756,541
NEW MEXICO	$3,699,470	9,868	$807,496	2,901,841
NEW YORK	$19,483,647	$0	$1,702,376	17,781,271
NORTH CAROLINA	10,373,237	$0	$0	10,373,237
NORTH DAKOTA	$3,000,000	1,282	$0	3,001,282
OHIO	$12,186,021	54,878	$129,589	12,111,310
OKLAHOMA	$5,196,017	19,028	$0	5,215,045
OREGON	$5,362,981	39,704	$2,290	5,400,395
PENNSYLVANIA	$13,476,156	24,077	$0	13,500,233
PUERTO RICO	$3,676,962	$0	$0	3,676,962
RHODE ISLAND	$3,000,000	$0	$584,127	2,415,873
SOUTH CAROLINA	$6,040,794	7,886	$0	6,048,680
SOUTH DAKOTA	$3,000,000	30,649	$0	3,030,649
TENNESSEE	$7,565,418	0	$0	7,565,418
TEXAS	$23,252,604	123,240	$219,447	23,156,396
UTAH	$4,111,052	$0	$0	$4,111,052
VERMONT	$3,000,000	$30,823	$843,912	$2,186,911
VIRGIN ISLANDS	$600,000	$0	$18,775	$581,225
VIRGINIA	$9,080,731	$0	$0	$9,080,731
WASHINGTON	$7,907,768	$40,504	$512,533	$7,435,739
WEST VIRGINIA	$3,611,943	$32,157	$3,611,943	$32,157
WISCONSIN	$6,978,318	$37,118	$180,090	$6,835,346
WYOMING	$3,000,000	$10,059	$0	$3,010,059
TOTAL	$380,000,000	$906,728	$31,412,144	349,494,584

HAVA SECTION 251 Funds

Section 251 funds, known as Requirements Payments, were distributed to States using a formula found in HAVA that is based on a percentage equal to the quotient of the voting age population of each State and the total voting age population of all States. States are required to deposit Section 251 money in interest bearing state election accounts and the funds are available until expended.

As of the September 30, 2018, twenty-eight (28) States reported using 100 percent[2] of their HAVA Requirements Payment funds (including interest) and another 14 states reported using 90 percent or more of their funds and interest. States reported cumulative expenditures of $2,698,508,681 (See Table 3).

Table 3 Section 251 HAVA Funds as of September 30, 2018

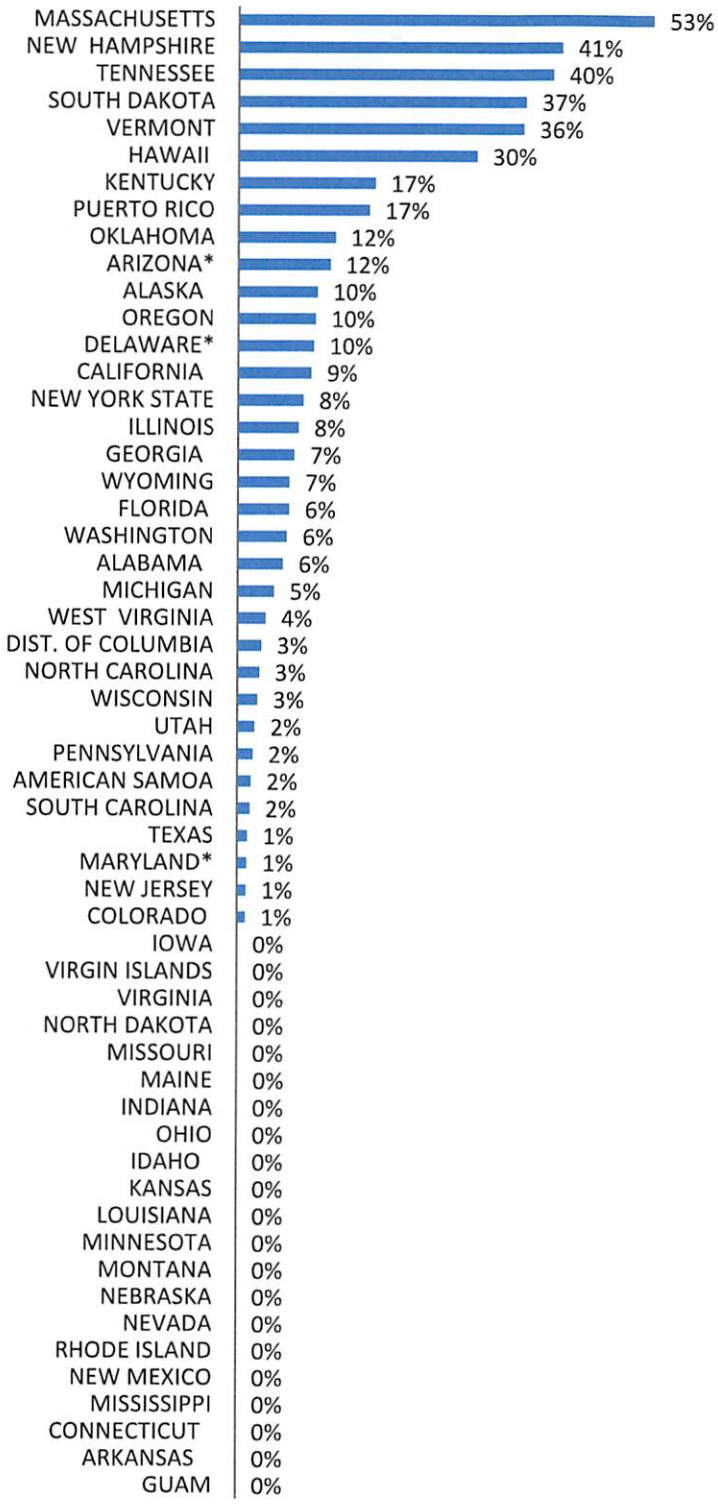
State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
ALABAMA	$40,227,863	$2,369,451	$40,436,616	$2,160,698
ALASKA	$13,021,803	$2,650,959	$13,843,301	$1,829,461
AMERICAN SAMOA	$2,490,652	$292,118	$2,782,770	$0
ARIZONA	$45,516,688	$4,353,350	$47,508,539	$2,361,498
ARKANSAS	$24,233,666	$2,542,154	$26,775,820	$0
CALIFORNIA	$296,305,593	$44,631,006	$303,422,823	$37,513,776
COLORADO	$38,767,048	$4,719,210	$42,972,582	$513,677
CONNECTICUT	$31,095,158	$4,392,980	$35,488,138	$0
DELAWARE	$13,021,803	$1,930,256	$13,004,721	$1,947,338
DISTRICT OF COLUMBIA	$13,028,257	$1,922,983	$14,746,048	$205,191
FLORIDA	$148,633,048	$24,310,937	$162,028,349	$10,915,636
GEORGIA	$72,641,827	$761,687	$67,906,200	$5,497,314
GUAM	$2,319,361	$48,049	$2,367,410	$0
HAWAII	$13,028,257	$977,446	$12,499,108	$1,506,595
IDAHO	$13,021,803	$1,267,652	$14,289,455	$0
ILLINOIS	$110,593,988	$9,297,474	$118,549,567	$1,341,896
INDIANA	$54,440,282	$2,280,602	$56,676,561	$44,322
IOWA	$26,645,880	$1,464,690	$28,083,331	$27,240
KANSAS	$24,033,426	$2,222,954	$30,853,941	$0
KENTUCKY	$36,901,642	$4,794,078	$34,404,580	$7,291,139

[2] States that have over 99% of funds and interest spent are counted as 100% expended for purposes of this report. Actual funds remaining are shown for each state on the chart.

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
LOUISIANA	$39,350,512	$3,552,964	$42,903,476	$0
MAINE	$13,021,803	$1,522,719	$14,537,278	$7,244
MARYLAND	$47,663,156	$3,888,041	$51,527,784	$23,413
MASSACHUSETTS	$58,589,549	$11,498,511	$28,222,757	$41,865,303
MICHIGAN	$88,535,685	$7,641,697	$92,435,575	$3,741,807
MINNESOTA	$43,962,194	$3,758,390	$47,501,444	$0
MISSISSIPPI	$25,152,465	$1,588,892	$26,741,357	$0
MISSOURI	$50,394,880	$4,255,352	$54,177,399	$472,833
MONTANA	$13,028,257	$618,633	$13,979,996	$0
NEBRASKA	$15,442,405	$1,046,168	$16,488,573	$0
NEVADA	$18,155,632	$1,272,294	$19,427,926	$0
NEW HAMPSHIRE	$13,021,803	$2,292,595	$10,173,179	$5,141,219
NEW JERSEY	$76,360,392	$5,808,946	$81,696,605	$472,733
NEW MEXICO	$15,599,671	$271,854	$15,871,525	$0
NEW YORK	$172,076,865	$33,085,355	$193,587,917	$11,574,303
NORTH CAROLINA	$73,421,775	$7,370,242	$77,418,650	$3,373,367
NORTH DAKOTA	$13,028,257	$1,355,754	$14,258,148	$125,863
OHIO	$102,069,874	$6,307,853	$108,377,697	$0
OKLAHOMA	$30,200,723	$4,101,437	$29,420,654	$4,881,506
OREGON	$31,243,106	$3,988,360	$31,243,105	$3,988,360
PENNSYLVANIA	$112,821,809	$16,861,352	$126,737,641	$2,945,520
PUERTO RICO	$5,868,252	$222,622	$4,503,921	$1,586,952
RHODE ISLAND	$13,021,803	$485,182	$13,506,985	$0
SOUTH CAROLINA	$36,384,617	$910,483	$37,121,805	$173,295
SOUTH DAKOTA	$13,028,257	$5,107,330	$11,373,403	$6,762,184
TENNESSEE	$51,877,745	$6,914,050	$32,108,378	$26,683,417
TEXAS	$180,251,805	$12,381,621	$192,633,426	$0
UTAH	$18,481,440	$705,044	$18,549,134	$637,350
VERMONT	$12,453,257	$2,673,691	$7,604,787	$7,522,161
VIRGIN ISLANDS	$2,319,361	$2,179	$2,319,361	$2,179
VIRGINIA	$64,449,288	$9,562,569	$74,011,857	$0
WASHINGTON	$52,995,253	$6,550,527	$56,052,533	$3,493,247
WEST VIRGINIA	$17,184,961	$1,183,796	$17,520,296	$848,461
WISCONSIN	$48,296,088	$3,566,337	$51,862,425	$0
WYOMING	$13,028,257	$1,079,409	$13,971,822	$135,843
Total	$2,602,749,240	290,662,283	2,698,508,681	194,464,562

Remaining HAVA Funds as of September 30, 2018

(Excluding New 2018 Grants)



State Plans and Expenditures of 2018 HAVA Funds

Reported Spending as of September 30, 2018		
Category	**Amount**	**Percentage of Total Spent**
Cybersecurity	18,283,414	58.2%
Voting Equipment	$10,658,794	33.9%
Voter Registration System	2,107,074	6.7%
Other	312,093	1.0%
Election Auditing	19,881	0.1%
Communication	27,747	0.1%
Total	**$31,409,003**	**100%**

As noted earlier, on Friday, March 23, 2018, President Donald J. Trump signed the Consolidated Appropriations Act of 2018 into law. The Act included $380 million in Help America Vote Act (HAVA) funds to improve the administration of elections for Federal office, including to enhance election technology and to make election security improvements, marking the first new appropriation for HAVA funds since FY2010.

The funding provided states with additional resources to secure and improve election systems. States could begin spending funds once they received their notice of grant award on April 17, 2018. However, most states waited until funds were transferred to their state election accounts and many states had to get state legislative approval before spending funds.

States and territories eligible to receive the funds were required to provide a budget and state narrative for how they would be used. The EAC published the narratives and budgets for 48 out of 55 eligible states and territories public on August 21, 2018. Seven remaining states and territories were granted extensions and had their budgets and narratives into the EAC by mid-September 2018. By September 20, 2018, 100 percent of funds had been disbursed to states.

According to these narratives and budgets, the vast majority of states and territories plan to spend their allotted funds within the next two or three years. Each funding recipient was required to file a standard Federal Financial Report and updated program narrative to the EAC by December 31, 2018.

The following is a summary of how states were able to utilize the 2018 HAVA Funds within the first six months of them being made available, based on these Progress and Financial Reports:

- **Alabama** expects to expend the $6.1 million the state received in 2018 HAVA funds, and the required state match of $308,020, in FY2019 to make upgrades to and replace voting equipment, mitigate cyber vulnerabilities, establish post-election auditing protocols statewide, continue the provision of the computerized statewide voter registration list for the entire state.
- **Alaska** plans to use its $3.15 million to replace the state's 20-year old voting system.
- **American Samoa** used a portion of its HAVA funding to repair and restore equipment and election offices damaged during Tropical Cyclone Gita so they would be functional ahead of the 2018 election. Going forward, the territory is planning a complete upgrade of its voter registration system, continuing to provide special needs services to voters with disabilities and increasing its voter outreach efforts.
- **Arizona** funded a comprehensive security assessment of its election systems and provided training to help each of the state's fifteen counties understand the different types of existing

security threats and what support is available. Long-term, the state plans to award election security sub-grants to counties and create an election security position within the Secretary of State's office.

- **Arkansas** established cost-sharing agreements with the counties to replace aging voting equipment. New acquisitions ensure that a paper trail for ballots cast is present in all Arkansas counties and almost 70 percent of Arkansas voters voted on the newly integrated election equipment system in the 2018 Midterm Election. Of the initial $4,724,225 in funds available through HAVA, Arkansas had only $44,305 in funds remaining.
- **California** is funding cybersecurity support and training, polling place accessibility, election auditing and vote center implementation through FY2021 at the county level. The state is also using funds to make security enhancements to its centralized voter registration system and personnel costs.
- **Colorado** will use its 2018 HAVA Funds to enhance technology and security in the state's election process, including improving risk-limiting audits and other audits of election-related systems in 2019 and beyond. From April 17, 2018 to September 30, 2018, Colorado expended $211,124.82 (including $109,899.80 in 2018 HAVA Funds and earned interest) on Colorado Voting Systems (COVS) training that was necessary to implement a ballot level comparison Risk-Limiting Audit (RLA). An additional $99,064 was used for Election Preparedness for Infrastructure and Cybersecurity (EPIC) tabletop exercises with county election and IT officials.
- **Connecticut** is purchasing voting equipment, making security enhancements to address cyber vulnerabilities, improving post-election audits and voter registration systems and management, enhancing security training for election officials and improving voting accessibility.
- **Delaware** plans to purchase new voting equipment, including a new voting system with a voter verifiable paper audit trail, an absentee system and an Election Management/Voter Registration system which will move elections from the state's aging mainframe.
- **Florida** plans to use the $19,187,003 the state received in 2018 HAVA funds for three primary projects. $15,450,000 will be used to establish an online grant program for 67 county supervisors of elections to enhance election security. $1,987,003 will be used to establish an online grant program for county supervisors of elections to improve voting accessibility. The remaining $1,750,000 will be earmarked by the Florida Department of State to implement security enhancements to the state voter registration system, contract a team of cybersecurity specialists to provide support to the state and county supervisor of elections offices, and to fund a voter education campaign to educate voters on how to get ready to register and vote in an election. As of September 30, 2018, $95,688.91 had already been expended.
- **Georgia** plans to increase election security, simplicity and accessibility by purchasing secure voting devices that produce a voter-verifiable paper ballot. The state will also provide an online sample ballot for all voters, improve its voter registration database, conduct election auditing and testing, and purchase ALBERT sensors, cybersecurity services and new e-poll books.
- **Guam** will use its funds to replace and upgrade voting equipment, perform election auditing, make improvements to its voter registration system, upgrade cybersecurity equipment and provide training.
- **Hawaii** will be utilizing its $3.1 million in funds to enhance the election cybersecurity infrastructure and update equipment related to the statewide voter registration system, voting equipment and vote counting system. As of September 30, 2018, $4,310.56 was used to establish telecommunications and network services at Counting and Control Centers during the 2018 Elections and an additional $77,486.93 was used to hire an Election Information Specialist responsible for enhancing accessibility to elections for voters with disabilities and additional staff to perform duties required to administer elections for federal office.

- **Idaho** plans to use its new HAVA appropriation to hire staff, award sub-grants to voting districts, secure new voting equipment, perform election auditing, acquire a new voter registration system, make cybersecurity improvements and software updates, and provide staff trainings. Thus far, the state has expended $513,064.10 of both federal funds and interest for acquiring software to deploy security patches across the state network, initial voter registration system upgrades and personnel.
- **Illinois** will use its funding for a cybersecurity information sharing program, hiring a Cyber Navigator/Advisor, providing cybersecurity resources for local election authorities and implementing a statewide network to provide centralized monitoring, mitigation and security services. Thus far, the State Board of Elections has used the funds for relevant equipment and software, Electronic Registration Information Center (ERIC) Association dues and relevant conference and information sharing costs.
- **Indiana** helped counties implement multi-factor authentication systems for accessing voting equipment and conducted cybersecurity training for all county officials during the state's annual election administrators conference. Going forward, the state plans to acquire additional election technology, implement e-poll book vendor network security enhancements, deploy auditable voting systems and perform election night reporting security enhancements.
- **Iowa** conducted cybersecurity training seminars for county auditors and staff and participated in a pilot program for a self-assessment cybersecurity tool. The Secretary of State's Office also implemented two-factor authentication for access to the statewide voter registration system, purchased additional security protections for the state's election night reporting system and partnered with the Department of Homeland Security to conduct two tabletop exercises. Finally, Iowa was able to purchase additional security protections for the state's election night reporting system.
- **Kansas** will use its funds to ensure every voting machine has a voter verifiable paper audit trail, conduct post-election audits after every election, improve the security of the statewide voter registration system, increase cybersecurity efforts at all levels of election administration and create, maintain and train local election officials on a comprehensive security communications plan.
- **Kentucky** used some of its funds during the FY2018 reporting period to acquire Trustwave, cloud-based and managed security services designed to protect data and reduce security risk. The State Board of Elections is in the process of working with Trustwave to install and set up the equipment.
- **Louisiana** will use 2018 HAVA funds and the state match for a new electronic voting system.
- **Maine** plans to upgrade its voting equipment and Central Voter Registration (CVR) system hardware and software, implement election night reporting, cybersecurity software improvements, monitoring and training, and improve ballot security and online training.
- **Maryland** will replace and upgrade voting equipment, perform election audits, upgrade voter registration system servers and software in off-election years and enhance system monitoring activities, mitigating cyber vulnerabilities, refining an incident management plan and providing training. Thus far, the state has spent $1,302 of its allocated federal funds on statewide tabletop exercises and $176,139.50 of its state match on Voted Ballot Audits following the 2018 Primary Elections and implementing two-factor authentication and enhancing its virtual private network (VPN) security monitoring.
- **Massachusetts** made network security upgrades for its voter registration system, hired a network security engineer and conducted security training for election staff. The Secretary of State's Office also plans to use funds to acquire new voting equipment, upgrade the state's voter registration system and improve the cybersecurity of its election system.

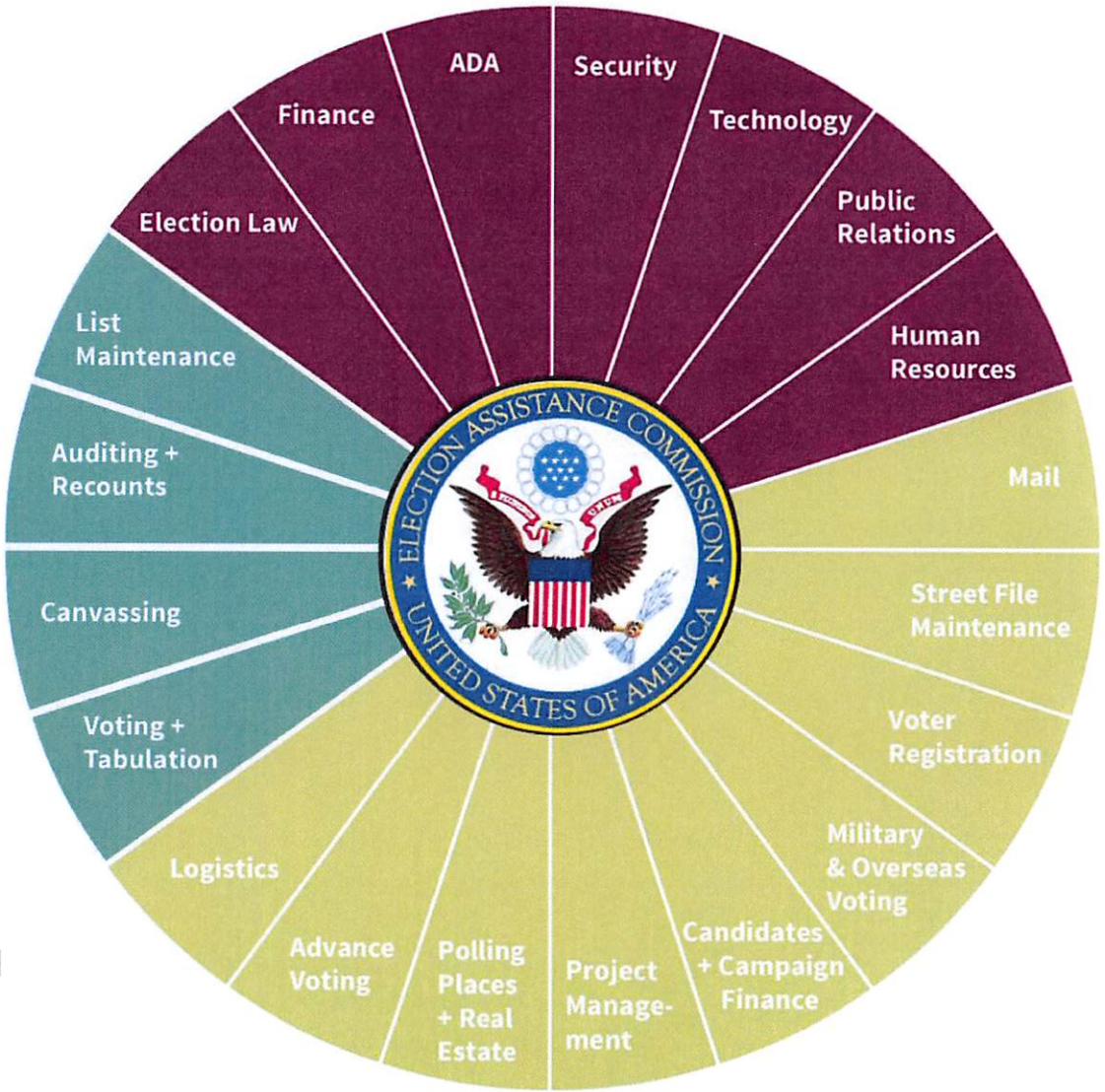
- **Michigan** is focusing on cybersecurity, information and physical security and providing funding and resources statewide to allow for the completion of detailed election system security assessments at the state, county and local level.
- **Minnesota** is using $6,925,391 in 2018 HAVA Funds and required state match to strengthen, secure and modernize Minnesota's Statewide Voter Registration System (SVRS); assess the state's data sharing and post-election review/audit process; improve secure information sharing with counties; enhance website security and accessibility and recruit and train election officials. The Secretary of State's Office will also use funds to invest in cybersecurity and information technology upgrades, expand absentee and mail-voting for voters with disabilities and provide sub-grants to local jurisdictions for improved election security and accessibility.
- **Mississippi** is using its funds to upgrade its Statewide Elections Management System, addressing cyber vulnerabilities, implementing post-election auditing and funding certain permissible county expenditures.
- **Missouri** spent most of its allocated 2018 HAVA Funds to implement cybersecurity enhancements that protect against attempts to penetrate the Missouri Centralized Voter Registration System. In September, the state also hosted the National Election Security Summit attended by federal, state and local election authorities to discuss practical ways to mitigate threats and vulnerabilities.
- **Montana** is replacing its statewide voter registration system and funding a 50 percent cost match with counties to purchase new voting equipment. They are also undertaking a major cybersecurity upgrade and hiring election and voter security IT personnel.
- **Nebraska** is using 2018 HAVA Funds to replace voting equipment, implement security upgrades and system enhancements to its voter registration system, install and maintain ALBERT sensors and perform cybersecurity scans and testing. The state is also using this federal funding to train election division staff and county election officials, provide resources for voters with disabilities and put additional security measures in place for election night reporting.
- **Nevada** will use the funds to upgrade voting equipment, provide sub-grants to jurisdictions, evaluate the state's cyber vulnerabilities, expand upon current election auditing practices and procedures, increase voter outreach and training.
- **New Hampshire** is enhancing election technology and making security improvements, improving voting systems and technology, educating voters, training election officials and election workers and improving access for voters with disabilities.
- **New Jersey** plans to make improvements to its cyber and physical security, voter registration system, voting equipment, election auditing, Americans with Disabilities Act compliance and training for election officials. Thus far, the state has expended its 2018 HAVA Funds on a Department of Homeland Security-administered tabletop security training session for county election officials.
- **New Mexico** hired a full-time IT security and compliance administrator whose responsibilities include implementing additional security practices to safeguard sensitive data and election systems and protect against cyber vulnerabilities. The state also purchased scan tabulation systems that feature ballot image capture and audit capabilities.
- **New York** spent approximately $1.7 million in 2018 on several security initiatives, including a contract with Grant Thornton to conduct a uniform comprehensive risk assessment of every county board of elections. As of September 30, 2018, 22 of 58 assessments were complete. The state contracted another security firm to provide intrusion detection and log monitoring services for all county boards of elections. Additionally, 712 state and county election officials and election vendors have attended security awareness training and all county board of elections officials have attended at least one cybersecurity tabletop exercise training.

- **North Carolina** plans to use its 2018 HAVA funds to modernize their statewide elections information management system, perform election auditing, undergo security assessments, hire a Chief Information Security Officer and implement a Cyber Advisory Panel.
- **North Dakota** is spending its entire 2018 HAVA award and required five percent state match on procuring a paper-based, HAVA-compliant voting system.
- **Ohio** is using its funds to make enhancements to its statewide voter registration system database, provide enhanced cybersecurity for election email accounts, conduct tabletop exercises and training, launch an IT and email support pilot project and conduct post-election audits through 2020.
- **Oklahoma** is purchasing e-poll books and document scanners for local election offices, upgrading its online voter registration system by 2020, providing training for county and state election boards, and ensuring there is a robust plan in place for cyber and physical security.
- **Oregon** is making improvements to the Oregon Elections System for Tracking and Reporting, securing state and local election systems and increasing IT security capacity and voter registration efficiency. The state also plans to build a feature so voters can track their ballot at all stages of the election process, provide public access to campaign finance reports and expand capacity and public visibility.
- **Pennsylvania** is replacing aging voting equipment that is reaching the end of its usable life with new equipment that has a voter verifiable paper audit trail.
- **Puerto Rico** plans to use its 2018 HAVA funds to enhance election cybersecurity and network infrastructure and upgrade Election Day voter registration.
- **Rhode Island** purchased a platform for the Centralized Voter Registration system that encrypts all data within it. The state also purchased another system that monitors for and protects the Centralized Voter Registration System from ransomware. In addition, the state purchased a system that provides real-time analysis of security threats, sends alerts if issues are detected and quarantines devices if there is abnormal activity.
- **South Carolina** is using its $6 million in 2018 HAVA Funds to harden its security posture and enhance the resilience of its elections.
- **South Dakota** is replacing aging voting equipment, including ballot marking devices and ballot tabulators purchased in 2005, and making cybersecurity upgrades to the statewide voter registration file and election night reporting page.
- **Tennessee** is providing sub-grants to assist counties in the purchase of approved voting systems, making improvements to its voter registration system and providing cybersecurity scans and training for each county election commission office.
- **Texas** worked with its Voter Registration system vendor in 2018 to make security updates to its system, including integration of a standalone portal and data encryption. The state also acquired cybersecurity training and made it available free of charge to all 254 counties in advance of the 2018 election. Prior to the 2018 election, 150 officials attended the training.
- The **U.S. Virgin Islands** is conducting a risk assessment and upgrades to its voting equipment, updating its voter registration system, developing and implementing a cybersecurity plan, and providing cyber risk management training for Board of Elections leadership, staff and vendors.
- **Utah** will purchase new voting equipment, replace the state's voter registration database and implement additional security measures and training for both counties and the state.
- **Vermont** used its 2018 HAVA Funds to replace and upgrade voting equipment, implement post-election audits, mitigate cyber vulnerabilities and provide required cybersecurity training for all town and city clerks in the spring of 2018, prior to the 2018 Midterm Elections. Of the initial $3,150,000 available through federal appropriations, the required state match and interest, as of September 30, 2018, Vermont had expended $843,912.28.

- **Virginia** is securing the Department of Elections' infrastructure and developing and implementing security and continuity of operations plans.
- **Washington** has implemented advanced firewall protection for the state's centralized election system and installed an advanced threat detection and prevention appliance. The state also acquired a database storage device on the Voter Registration system that has back-up and recovery capabilities. All equipment and software, with the exception of the database storage device, was in place prior to the 2018 Midterm Election. The state also held cybersecurity training for election officials that is a precursor for a cybersecurity training program individually tailored for each county in the state.
- **Washington, D.C.** has used $399,400 of its funds to purchase new voting equipment and hire additional staff to increase the number of early voting centers across the District of Columbia, to train election officials and to produce voter education materials. The District of Columbia plans to use its remaining 2018 HAVA Funds to acquire additional equipment, increase maintenance and support, hire a full time cybersecurity expert, hire and train additional poll workers, continue voter education and outreach, and invest in technology to improve all aspects of voter registration and election administration.
- **West Virginia** used its 2018 HAVA funds to establish a grant program available for counties to be awarded funding for election equipment, physical security, cybersecurity and e-poll books.
- **Wisconsin** will address the immediate security needs of the state such as purchasing software, implementing additional security measures to protect the statewide voter registration system, creating federally funded staff positions and hiring additional IT developers. Wisconsin will also collect feedback from local election officials, voters and election partners to determine long-term election security needs.
- **Wyoming** will use the 2018 HAVA funds to replace outdated voting equipment originally purchased in 2005 and enhance the state and county cybersecurity infrastructure.

Attachment C

Election Administrator Competencies



- Ongoing
- Election Preparation
- Election Night & Beyond

Attachment D

NOTICE AND PUBLIC COMMENT POLICY

I. PURPOSE

The purpose of this policy is to provide effective notice for a period of public comment on all policies being considered for adoption by the United States Election Assistance Commission (EAC), which are not subject to notice and comment under any federal statute. From time to time, EAC issues advisories, manuals, procedures, regulations and rules, which impact outside parties. Some of these policies and rules must be adopted after a period of public comment pursuant to the Administrative Procedures Act (APA) or other statutes, such as the Help America Vote Act (HAVA) or the National Voter Registration Act (NVRA). Other policies do not require such public participation; however, EAC is committed to make all of its policy making activities open and transparent.

EAC believes that public involvement in the policy process is the best way to develop sound policy and encourage public understanding and participation in agency activities. As such, EAC desires to require notice and comment for all of its advisories, manuals, procedures, regulations and rules that may impact outside parties. To that end, this policy requires EAC to provide the public an opportunity to comment on any proposed policy or rule of general applicability (those impacting outside parties), even when such public comment is not otherwise required by law.

This policy further outlines the roles, responsibilities and procedures for this process to assure that the public has effective notice and the ability to submit timely and meaningful comment on proposed EAC policies and rules.

II. DEFINITIONS

A. "Outside Party" means any other government entity, corporation, non-profit association, or individual other than EAC. Outside Party shall not include Federal government executive branch or independent agencies.

B. "Policy of general applicability" is a policy that applies to all relevant stakeholders. It is not a particular matter involving a single party that addresses a specific case or controversy, such as the resolution of one state's audit, or interpretations issued under the EAC's Testing and Certification and Laboratory Accreditation Programs. Matters of general applicability include the following:

- Program manuals adopted by EAC that impact outside parties, such as the testing and certification program manual, the laboratory

accreditation manual, and grant manuals regarding any of the EAC distributed or managed grant programs.

- Guidance (other than that developed by EAC regarding Sections 301 – 303 of HAVA), advisories, and advisory opinions related to the implementation or administration of HAVA or the National Voter Registration Act (NVRA).
- Other regulations or policies concerning EAC administrative actions that impact outside parties.

C. "Proposed policy or rule". Any policy, advisory, manual, procedure, regulation or rule covered hereunder that the Commission has voted affirmatively to post for public comment.

III. ROLES AND RESPONSIBILITIES

A. Responsible Program Director. The Responsible Program Director is the EAC staff person who is generally responsible for the subject area addressed in a proposed policy or rule. The Responsible Program Director shall be responsible for preparing notices and assuring that proposed policies and rules for public comment are posted in a timely manner. In addition, the Responsible Program Director shall be responsible for collecting, analyzing and recommending a disposition on all comments received during the comment period. The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director will regularly update the commissioners, executive director, chief operating officer, general counsel and all other appropriate EAC staff on the volume and types of comments that are received during the public comment period.

When a policy or rule is proposed by a Commissioner, the Special Assistant assigned to that Commissioner shall assume all responsibilities of the Responsible Program Director and will regularly coordinate and share information with the executive director, general counsel, chief operating officer and the program director generally responsible for the subject area addressed in the proposed policy.

B. Executive Director. The Executive Director shall assign a Responsible Program Director when such action is required. The Executive Director may approve a public comment period of between 15 and 29 days, under limited circumstances and when good cause is demonstrated. The Executive Director may approve a waiver for publishing notice in the Federal Register under limited circumstances and when good cause is demonstrated. The Executive Director may grant an additional reasonable period of time beyond the required 14-day period for the Responsible Program Director to produce a written summary report of all comments received.

C. General Counsel. The Office of the General Counsel shall provide counsel upon request to the Responsible Program Director, the Executive Director, or any Commissioner regarding the proposed policy or rule, posting of the document for effective notice and comment, review and disposition of any comment received, and or any interpretation of this policy.

IV. APPLICABILITY

Under this policy, any advisory, manual, procedure, regulation and rule of general applicability, which impacts outside parties (i.e. is not strictly limited to the internal operations of EAC), must be posted for notice and public comment. This policy applies even when neither the APA nor HAVA or NVRA require that a proposed policy or rule is subject to notice and public comment prior to adoption. For example, the APA requires that final rules of general applicability are published to provide notice to the public, but does not require that the agency take or receive comments on that rule. In this example, EAC's manual on its testing and certification program would not be required to be posted for notice and public comment by the APA. However, under this policy, a manual, which would have an impact on outside parties, must be posted for notice and public comment.

This policy does not apply to circumstances wherein statutes such as APA or HAVA require notice and public comment prior to adoption of the guidance, regulation, rule, or policy statement. For example, the APA requires that regulations promulgated pursuant to the NVRA are posted for notice and public comment. Likewise, HAVA requires that guidance developed regarding Sections 301-303 of HAVA, as well as the Voluntary Voting System Guidelines, are subject to notice and public comment.

V. EFFECTIVE AND SUFFICIENT NOTICE

A. Comment Period. At a minimum, EAC will provide a period of public comment of no less than 30 days on all policies or rules of general applicability. The Responsible Program Director at his/her discretion may extend the period for public comment. The comment period on any policy or rule of general applicability may not exceed 180 days unless so extended by vote of the Commission when good cause is demonstrated for extending the comment period. Considerations for extension shall include, but are not limited to the content of the proposed policy or rule, the complexity of the proposed policy or rule, and intervening circumstances during the comment period.

EAC recognizes that there may be good cause for the comment period to be less than 30 days so that the Commission can respond to a time sensitive matter in a timely manner. The Responsible Program Director must request such an exception in writing to the Executive Director, justifying the reason for requesting that the comment period be less than 30 days. The Executive Director may grant such an exception when good cause is demonstrated for reducing the public comment period and must do so in writing. Under no circumstance shall the

period of public comment be less than 15 days. EAC acknowledges that such exemptions will be rare occurrences.

B. Notice to the Public. In order to ensure that members of the public are apprised of EAC's publication of a proposed policy and solicitation for comments on the proposed policy, EAC will use the following methods of publication and notice to the public:

- Publishing a notice in the Federal Register notifying the public of the proposed policy or rule and soliciting comments by a date certain; and
- Publishing the proposed rule or policy on the EAC Web site and soliciting comments by a date certain; and
- Sending notice to EAC stakeholders, members of Congress and interested members of the media through a weekly email newsletter.

If the Responsible Program Director determines that publishing notice in the Federal Register will result in a comment period of less than 30 days, then he/she must request in writing to the Executive Director a waiver of publication of the notice in the Federal Register, demonstrating good cause for such a waiver. The Executive Director may grant such an exception when good cause is demonstrated and must do so in writing.

The Responsible Program Director shall prepare notice of the proposed policy or rule and the solicitation for comments, which shall include a summary of the proposed action, and cause it to be published in the means identified above. Included in this responsibility is the duty to analyze and assign a reasonable period for accepting comments within the parameters established by this policy.

C. Equal Ability to Comment. Under this policy, no proposed policy or rule shall be released to any outside party prior to the time that it is posted for public comment. If it is determined that a proposed policy was released to a outside party prior to the beginning of the public comment period, the comment period shall be extended by 30 days in order to allow all members of the public to have equal ability to provide comment.

VI. COLLECTING AND RECEIVING PUBLIC COMMENTS

For all proposed policies and rules, EAC shall accept comments by email, fax, or in hard copy. However, EAC shall encourage members of the public to provide comments through an on-line portal on the EAC website or through an EAC established centralized comment submission program. Comments, regardless of the means of transmission, must be made available to the public as soon as practicable after they are received.

VII. CONSIDERATION OF COMMENTS

The Responsible Program Director must timely read and consider each and every comment submitted during the comment period. In addition, the Responsible Program Director shall recommend a disposition for all comments. In the final consideration of the proposed policy or rule, the Responsible Program Director shall provide a written summary of all comments received, indicating which of those comments should be accepted, rejected, or tabled for future consideration. The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director may request an extended period of a reasonable length of time to complete the summary report. The request shall be submitted in writing to the

Executive Director. The Executive Director may grant such an extension when good cause is demonstrated and must do so in writing.

VIII. ADOPTION OF A RULE OR POLICY OF GENERAL APPLICABILITY

No proposed rule or policy of general applicability shall be adopted by vote of the EAC unless:

- The proposed rule or policy has been posted for public comment in accordance with this policy; and
- All comments submitted in response to the proposed policy have been reviewed and considered; and
- A vote of three or more Commissioners approves the proposed policy and any changes that are recommended by the Responsible Program Director after review and consideration of the comments.

Attachment E

Director, Voting System Testing and Certification

Election Assistance Commission

Open & closing dates
03/06/2019 to 03/20/2019

Service
Excepted

Pay scale & grade
AD 00

Salary
$96,970 to $125,967 per year

Appointment type
Permanent

Work schedule
Full-Time

Locations

1 vacancy in the following location:

Silver Spring, MD

Relocation expenses reimbursed
No

Telework eligible
Yes as determined by agency policy

This job is open to

Federal employees - Competitive service
Current or former competitive service federal employees.

Federal employees - Excepted service
Current excepted service federal employees.

The public
U.S. citizens, nationals or those who owe allegiance to the U.S.

Announcement number
EAC-10441371-19-CB

Control number
526497300

Duties

Summary

The purpose of EAC's national voting system certification program is to independently verify that voting systems applying to the EAC program comply with the functional capabilities, accessibility, and security requirements necessary to ensure the integrity and reliability of the voting system, as established in the Voluntary Voting System Guidelines. The incumbent of this position is a first line supervisor for the Voting System Testing and Certification (VST&C) Division.

Responsibilities

Major duties and responsibilities include directing efforts toward accrediting independent test laboratories, testing and certifying voting systems, maintaining technical standards, and oversight of guidelines.

- Develops EAC policy, quality management system, and standard operating procedures for the Voting System Testing and Certification (VST&C) program and Division.

- Works with the National Institute of Standards and Technology (NIST) National Voluntary Laboratory Accreditation Program (NVLAP), regarding laboratory accreditation for laboratories seeking accreditation to test voting systems under the EAC program. Under HAVA, NVLAP does the initial laboratory assessment and makes recommendation to the EAC, through the Director of NIST on the accreditation of candidate laboratories.
- Performs full range of supervisory activities for Division personnel (i.e., current FTE, technical reviewers and new hires).
- Establishes, implements and evaluates budget, working jointly with EAC's Executive Director to establish priorities for the VST&C Division.
- Manages voting system testing and certification efforts, including supervising contract staff, technical reviewers, and consultants. Oversees testing of voting systems developed by registered manufacturers to determine whether the systems provide required basic functionality, accessibility, and security capabilities.
- Serves as EAC lead/co-lead on critical infrastructure issues. Serves as EAC lead for development efforts on Voluntary Voting System Guidelines and development of requirements for testing at the laboratories.
- Develops blogs, white papers and other informational material for stakeholders on election technology and cybersecurity.
- Serves as the lead auditor on voting system test laboratory audits.
- Leads the Election Official IT Training Program.
- Represents the EAC and VST&C Program at stakeholder meetings and conferences.
- Performs other duties as assigned.

Travel Required

25% or less - You may be expected to travel for this position.

Supervisory status

Yes

Promotion Potential

None

Job family (Series)

0301 Miscellaneous Administration And Program
(https://www.usajobs.gov//Search/?j=0301)

Requirements

Conditions Of Employment

Candidates must be a US Citizen.
Candidates must meet all qualifications prior to the closing date of this announcement.

Qualifications

- Ability to understand, interpret and utilize industry standards, and apply them to election technologies. General understanding of industry standards for cybersecurity, accessibility, and usability.
- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant testing and certification issues. Related knowledge of Federal and State election laws and procedures.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on voting system related data.
- Ability to conduct and oversee complex studies or reviews.
- Comprehensive knowledge of and skill in applying analytical methodologies and practices as it pertains to existing, new, and emerging voting systems.
- Skill in legal and technical writing that addresses the complexities of the voting system testing and certification environment.

Education

None.

Additional information

You must submit all required information by the closing date. If materials are not received, your application will be evaluated solely on the information available and you may not receive full consideration or may not be considered eligible. The materials you send with your application will not be returned. Send only those materials needed to evaluate your application.

If you use public transportation, part of your transportation costs may be subsidized. Our human resources office can provide additional information on how this program operates.

How You Will Be Evaluated

Once the application process is complete, a review of your resume/application will be made to ensure you meet the qualifications and job requirements for this position. Please follow all instructions carefully. Your qualifications will be evaluated on the basis of your level of knowledge, skills, abilities, and/or competencies.

Technical Competencies:

- Ability to understand, interpret and utilize industry standards, and apply them to election technologies. General understanding of industry standards for cybersecurity, accessibility, and usability.
- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant testing and certification issues. Related knowledge of Federal and State election laws and procedures.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on voting system related data.
- Ability to conduct and oversee complex studies or reviews.
- Comprehensive knowledge of and skill in applying analytical methodologies and practices as it pertains to existing, new, and emerging voting systems.

- Skill in legal and technical writing that addresses the complexities of the voting system testing and certification environment.

Leadership Competencies:

- Skill in leading staff to interact as a team, focused on cooperating with one another and with the entire EAC staff to accomplish team goals and initiatives. Ability to plan, assign, and appraise work products to assure high levels of performance.
- Skill in consensus building and conflict management to effectively resolve conflicts.
- Knowledge of the tools available to facilitate managing the work and skill in applying that knowledge to such responsibilities as maintaining records, assuring adequate resources, supplies, and equipment to accomplish the work, identifying and implementing ways to improve effectiveness and efficiency, formulating budget requests, and similar managerial functions.
- Knowledge of basic human resource management programs, rules, policies, and procedures to effectively carry out supervisory responsibilities such as interviewing and recommending selections, developing performance standards and appraising subordinate performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, and effectively managing disciplinary issues.

Background checks and security clearance

Security clearance

Secret
(https://www.usajobs.gov//Help/faq/job-announcement/security-clearances/)

Drug test required

No

Required Documents

Required documents include a resume and the supporting documents as described in the "How to Apply Instructions" section of this announcement.

If you are relying on your education to meet qualification requirements:

Education must be accredited by an accrediting institution recognized by the U.S. Department of Education in order for it to be credited towards qualifications. Therefore, provide only the attendance and/or degrees from schools accredited by accrediting institutions recognized by the U.S. Department of Education (http://www.ed.gov/admins/finaid/accred/)

.

Failure to provide all of the required information as stated in this vacancy announcement may result in an ineligible rating or may affect the overall rating.

Benefits

https://www.opm.gov/retirement-services/newprospective-employees/

How to Apply

You must submit your application so that it will be received by the closing date of the announcement.

Your application package must be received by the closing date of the announcement and must include the following:

A resume or an Optional Application for Federal Employment (OF 612) or any other format. Although we do not require a specific format, certain information is required to determine if you are qualified;

For current or former federal employees with reinstatement eligibility, you must submit a copy of your last Notification of Personnel Action (SF50) showing your position, title, series, grade and eligibility;

A copy of your most recent performance appraisal. If you do not have a recent performance appraisal, please explain why you do not have one.

All APPLICATION MATERIALS MUST BE SENT TO: resumes@eac.gov
(mailto:resumes@eac.gov)

Agency contact information

Corliss Jackson

Phone

202-853-4780
(tel:202-853-4780)

Email

Resumes@eac.gov
(mailto:Resumes@eac.gov)

Address

US Election Assistance Commission
1335 East West Hwy
Suite 4300
Silver Spring, MD 20910
US

Learn more about this agency
(#agency-modal-trigger)

The United States Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). The agency is charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, accrediting testing laboratories, certifying voting systems, maintaining the national mail voter registration form, auditing the use of HAVA funds, and serving as a national clearinghouse of information about election administration. Four

commissioners, appointed by the president and confirmed by the U.S. Senate, are responsible for setting policy and assuring the mission of the EAC is carried out.

Next steps

Your application materials will be reviewed and if an interview is deemed appropriate, you will be contacted with further information.

Fair & Transparent

The Federal hiring process is setup to be fair and transparent. Please read the following guidance.

Equal Employment Opportunity Policy

The United States Government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy And gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factor.

- Equal Employment Opportunity (EEO) for federal employees & job applicants (http://www.eeoc.gov/eeoc/internal_eeo/index.cfm)

Reasonable Accommodation Policy

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application process should follow the instructions in the job opportunity announcement. For any part of the remaining hiring process, applicants should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. Under the Rehabilitation Act of 1973 the Equal Employment Opportunity Commission (EEOC) must provide reasonable accommodations:

- An applicant with a disability needs an accommodation to have an equal opportunity to apply for a job.
- An employee with a disability needs an accommodation to perform the essential job duties or to gain access to the workplace.
- An employee with a disability needs an accommodation to receive equal access to benefits, such as details, training, and office-sponsored events.
- Disability Employment - Reasonable Accommodations (https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations/)
- How to contact an agency (https://www.usajobs.gov//Help/how-to/application/agency/contact/)

Legal and regulatory guidance

Financial suitability (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/financial-suitability/)

Social security number request (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/social-security-number/)

Privacy Act (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/privacy-act/)

Signature & False statements (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/signature-false-statements/)

Selective Service (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/selective-service/)

New employee probationary period (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/probationary-period/)

Attachment F

Election Technology Specialist

Election Assistance Commission

Open & closing dates
04/12/2019 to 04/28/2019

Service
Excepted

Pay scale & grade
AD 00

Salary
$56,233 to $106,012 per year

Appointment type
Permanent - Excepted Service

Work schedule
Full-Time

Locations

1 vacancy in the following location:

Silver Spring, MD

Relocation expenses reimbursed
No

Telework eligible
Yes as determined by agency policy

This job is open to

The public
U.S. citizens, nationals or those who owe allegiance to the U.S.

Announcement number
EAC-10275125-18-CB

Control number
507322500

Duties

Summary

Please read the "Responsibilities" section and click on "Learn more about this agency."

Responsibilities

Key Requirements:

- Ability to serve as technical and policy advisor to key officials pertaining to the overall Voting System Testing and Certification Program and guidelines.
- Must have expertise of election technology policies practices and processes.
- Must be proficient in the security risks and threat profiles applicable to election technologies.
- Expertise in interpreting and translating technical documentation and other communications to a multitude of audiences.

Major Duties:

The Election Technology Specialist may serve as a Project Manager for test campaigns, as an Auditor for Quality Management Systems and Quality Assurance audits as well as a liaison for general election technology issues. As the Project Manager, incumbent is responsible for the management of many independent projects, such as a voting system test application, manufacturer registration, or voting system test laboratory application. The incumbent will also assist in the development and review of new or updated Voluntary Voting System Guidelines. The incumbent may be trained for the capacity to act as a lead auditor for quality management systems and quality assurance audits to international, technical, and industry standards.

The incumbent is expected to have an in-depth knowledge of election technology policies, practices, and processes in order to facilitate communication amongst all stakeholders, including security experts, election officials, academics, politicians, general public, etc. The incumbent must be adaptable to ever changing

technologies in order to improve the process and programs of the Testing and Certification Division. The incumbent should also be proficient in the security risks and threat profiles applicable to election technologies.

Travel Required

Occasional travel - 25%

Supervisory status

No

Promotion Potential

00

Job family (Series)

0301 Miscellaneous Administration And Program
(https://www.usajobs.gov//Search/?j=0301)

Requirements

Conditions Of Employment

- Candidates must meet all qualifications prior to the closing date of this announcement.
- Candidates must be a US Citizen.
- **Candidates must be available to travel 25% of the time.**
- *Accreditation as a Lead Auditor for an international or other industry recognized standard for quality management systems may be required* ***to*** *be obtained within 12 months of hire.*

Qualifications

Specialized Experience:

Candidates must have expertise working with Voting Systems and Programs and be knowledgeable of election technology policies, practices and processes to facilitate communication among stakeholders, security experts, election officials, politicians and others.

Education

This job does not have an education qualification requirement.

Additional information

Benefits:

Tele-work / telecommuting may be made available after an established waiting period.

If you use public transportation, part of your transportation costs may be subsidized. Our human resources office can provide additional information on how this program is run.

You must submit all required information by the closing date. If materials are not received, your application will be evaluated solely on the information available and you may not receive full consideration or may not be considered eligible.

The materials you send with your application will not be returned.

Send only those materials needed to evaluate your application. Please do not place your application in a notebook or binder.

How You Will Be Evaluated

Once the application process is complete, a review of your resume/application will be made to ensure you meet the qualification and job requirements for this position. Please follow all instructions carefully. Your qualifications will be evaluated on the basis of your level of knowledge, skills, abilities, and/or competencies.

Technical Competencies:

- In-depth technical knowledge of project management practices and the skillset to apply them to an array of election technology and/or other IT projects.
- Familiar with Federal voting system standards and comfortable with discussing standards in public forums.
- Expertise in interpreting and translating technical documentation and other communications to a multitude of audiences, and aptitude for translating technical information into policy or legal communications.
- General knowledge and understanding of information security principles and standards to election technologies.
- Proficiency in international and/or other industry standards for quality assurance and quality management systems, including configuration management.

Background checks and security clearance

Security clearance

Not Required
(https://www.usajobs.gov//Help/faq/job-announcement/security-clearances/)

Drug test required

No

Required Documents

Resume and supporting documents.

Benefits

https://www.opm.gov/healthcare-insurance/healthcare/

How to Apply

You must submit your application so that it will be received by the closing date of the announcement.

Your application package must include the following:
A resume or an Optional Application for Federal Employment (OF 612) or any other format. Although we do not require a specific format, certain information is required to determine if you are qualified;

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A copy of your most recent performance appraisal. If you do not have a recent performance appraisal, please explain why.

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Next steps

Please read the "How You Will be Evaluated" section.

Fair & Transparent

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- An employee with a disability needs an accommodation to receive equal access to benefits, such as details, training, and office-sponsored events.
- Disability Employment - Reasonable Accommodations

(https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations/)

- How to contact an agency (https://www.usajobs.gov//Help/how-to/application/agency/contact/)

Legal and regulatory guidance

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Privacy Act (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/privacy-act/)

Selective Service (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/selective-service/)

Social security number request (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/social-security-number/)

Signature & False statements (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/signature-false-statements/)

New employee probationary period (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/probationary-period/)

Attachment G

Attachment G

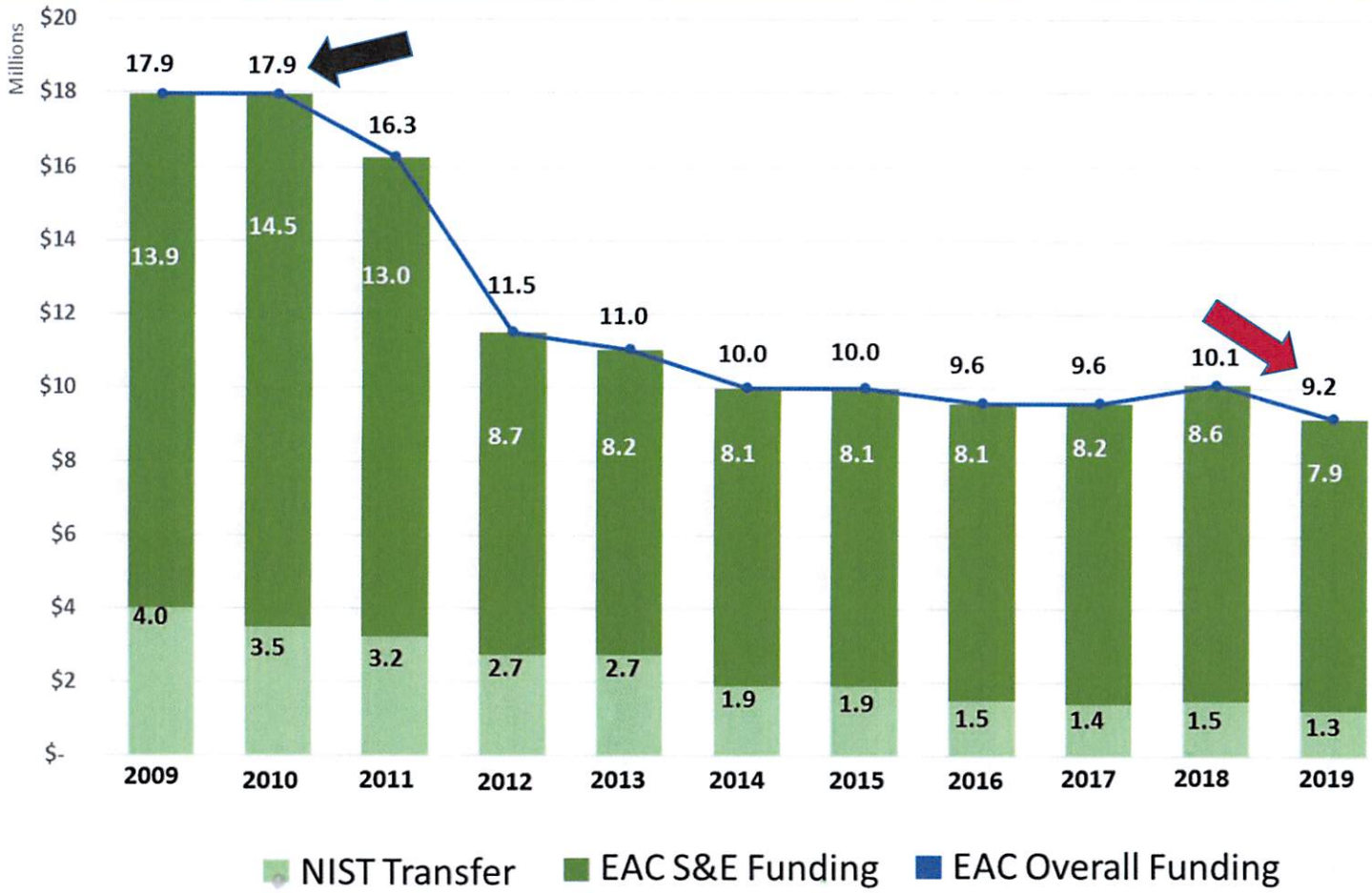
Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	TOTAL AMOUNT PAID	Any other position, and place such position was held, while also working for the EAC
Ann Jackson	Consultant/Contractor	Administrative Assistant	11/19/2016	5/1/2018	Silver Spring, MD	$22,397	unknown
Bernard Powell	Consultant/Contractor	IT Specialist	12/17/2016	12/31/16	Silver Spring, MD	$2,198	unknown
Naseem Hasan	Consultant/Contractor	IT Specialist	1/14/2017	12/30/2017	Silver Spring, MD	$55,307	unknown
Margaret Hood	Consultant/Contractor	Grants Management Specialist	4/14/2018	5/4/2019	Silver Spring, MD	$88,730	unknown
Steve Uyak	Consultant/Contractor	IT Specialist	4/30/2018	2/28/2019	Silver Spring, MD	$81,763	unknown
Sheila Banks	Consultant/Contractor	HR Specialist	5/12/2018	5/4/2019	Silver Spring & Vacaville, CA	$23,726	unknown
Annette Lafferty	Consultant/Contractor	Financial Specialist	7/7/2018	9/29/2018	Silver Spring, MD	$9,919	unknown
Cynthia Hoffman	Consultant/Contractor	Communications Specialist	9/22/2018	5/4/2019	Silver Spring, MD	$30,788	unknown
Sean Greene	Consultant/Contractor	Research Program Specialist	9/22/2018	3/30/2019	Silver Spring, MD	$14,025	unknown
Lida Anderson	Consultant/Contractor	Administrative Assistant	10/13/2018	5/4/2019	Silver Spring, MD	$47,622	unknown
Pam Price	Consultant/Contractor	Administrative Assistant	2/9/2019	2/23/2019	Silver Spring, MD	$2,259	unknown
Jeneene Nibblett	Consultant/Contractor	Administrative Assistant	11/3/2019	5/7/2019	Silver Spring, MD	$22,724	unknown

Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	Total Annual Salary	Any other position, and place such position was held, while also working for the EAC
Patricia Layfield	Inspector General	Inspector General	2/22/2016	N/A	Silver Spring, MD	$156,000	
Simona Jones	Digital Communications & Media Specialist	Website Management & Social Media	10/17/2016	N/A	Silver Spring, MD	$81,165	
Ashley Williams	Financial Manager	Financial Manager	1/9/2017	N/A	Silver Spring, MD	$99,171	
Bob Sweeney	Staff Associate	Staff Associate/Research Program Specialist	1/9/2017	N/A	Silver Spring, MD	$78,459	
Brenda Soder	Director of Communications	Communications and Public Affairs	1/9/2017	N/A	Silver Spring, MD	$150,803	
Jerome Lovato	Director, Voting Systems Certification	Director, Voting Systems Certification	9/5/2017	N/A	Centennial, CO	$119,700	
Natalie Longwell	Writer / Editor	Communications and Public Affairs	9/5/2017	N/A	Silver Spring, MD	$91,356	
David Kuennen	Senior Research Program Specialist	Senior Research Program Specialist	10/16/2017	N/A	Silver Spring, MD	$99,904	
Corliss Jackson	HR Director	HR Director	4/16/2018	N/A	Silver Spring, MD	$132,817	CEO, Freedom International Inc.
Mona Harrington	CIO/CISO	CIO/CISO	9/17/2018	N/A	Silver Spring, MD	$147,542	
Nichelle Williams	Director of Research	Director of Research	11/26/2018	N/A	Silver Spring, MD	$99,908	
Steve Uyak	IT Specialist	IT Specialist	2/19/2019	N/A	Silver Spring, MD	$96,000	
Paul Aumayr	Senior Election Technology Specialist	Senior Election Technology Specialist	5/28/2019	N/A	Silver Spring, MD	$95,000	
Jessica Bowers	Senior Election Technology Specialist	Senior Election Technology Specialist	5/30/2019	N/A	Aurora, CO	$106,012	
Ryan Macias	Acting Director-Testing and Certification	Senior Election Technology Specialist	5/2/2016	5/17/2019	Silver Spring, MD	$112,000	Owner/PresidentRSM Election Solutions
Sean Greene	Director of Research	Research Program Specialist/Dir of Research	6/13/2016	6/8/2018	Silver Spring, MD	$123,406	
Mark Listes	Director of Policy	Director of Policy	8/22/2016	12/14/2019	Silver Spring, MD	$114,586	
Brandes Daniel J	Computer Engineer	Computer Engineer	11/14/2016	9/30/2017	Silver Spring, MD	$80,000	
Sam Jones	Staff Associate	Staff Associate	1/9/2017	7/14/2017	Silver Spring, MD	$75,000	
Antoine Wilson	IT Specialist	IT Specialist	1/12/2017	5/27/2018	Silver Spring, MD	$65,000	
Mia Forgy	Assistant Inspector General	Assistant Inspector General	5/13/2019	N/A	Silver Spring, MD	$125,005	

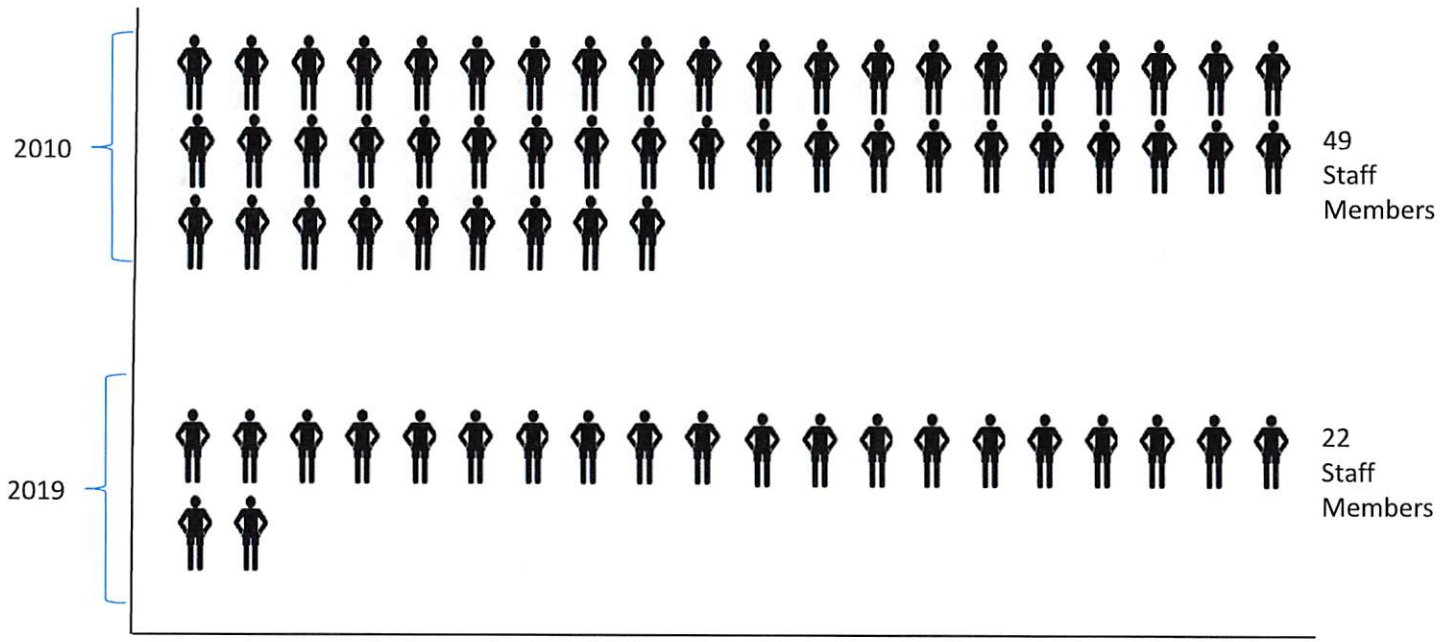
Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	TOTAL AMOUNT PAID	Any other position, and place such position was held, while also working for the EAC
Sarah Litton	Public Affairs Specialist	Part-Time Employee	10/30/2016	1/31/2017	Silver Spring, MD	$1,170	
Kimberly Leon	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Mofetoluwa Obadina	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Aaron Yi	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Donald Palmer	Senior Advisor	Part-Time Employee	1/8/2018	2/4/2019	Silver Spring , MD	$73,946	Bipartisan Policy Center

Attachment H

EAC Budget, 2010 vs. 2019



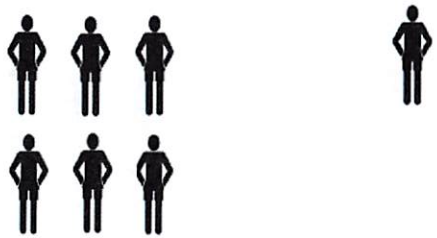
EAC Staff, 2010 vs. 2019



Key EAC Teams Are Reduced

General Counsel/Legal

2010 2019

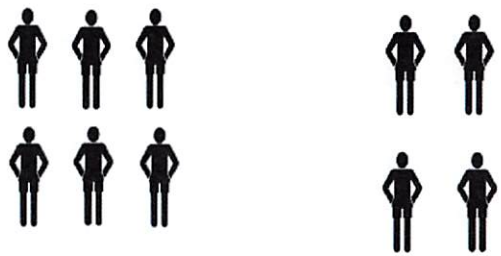


Grants

2010 2019

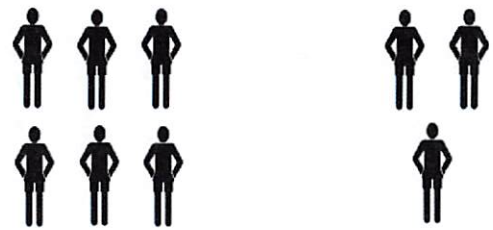
Research and Accessibility

2010 2019



Testing & Certification

2010 2019



The following positions in the agency are unfilled:

- Chief Operating Officer
- Procurement Specialist
- Commissioners' Special Assistants